

SAFER RECRUITMENT POLICY

Policy Review

This policy will be reviewed in full by the Governing Body on an annual basis.

It is due for review in September 2017

Signature Date

Head Teacher

Signature Date

Chair of Governors

INTRODUCTION

The purpose of this policy is to set out the minimum requirements of a recruitment process that aim to:

- Attract the best possible applicants to vacancies
- Deter prospective applicants who are unsuitable to work with children and young people (CYP)
- Identify and reject applicants who are unsuitable for work with CYP

The Jane Lane School Safer Recruitment Policy is informed by 'Keeping children safe in education: for schools and colleges' (September 2016) (KCSIE) pages 22-39, Sections 86-144.

The whole document can be found through the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf

The relevant section is Part three: Safer recruitment (pages 22-39; Sections 86-144).

Recruitment, selection and pre-employment vetting

It is vital that the school creates a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children.

The governing body should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring volunteers are appropriately supervised. The school should have written recruitment and selection policies and procedures in place. The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training. Those currently having undertaken safer recruitment training are:

- Tony Milovsorov (Headteacher)
- Fiona Aldridge (Assistant Headteacher)
- Stella Hartshorne (School Business Manager)
- Su Vincent (Safeguarding Governor)

Safer recruitment training should cover, as a minimum, the content of the guidance in 'KCSIE'.

The guidance describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, the school. The governing body must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including

criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information.

The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in the school, as outlined in KCSIE.

For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in the school, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in the school where that work provides an opportunity for contact with children; or
- engage in intimate or personal care, even if this happens only once.

For all other staff 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. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

In the school, a supervised volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education has published separate statutory guidance on supervision and regulated activity which schools should have regard to when considering which checks should be undertaken on volunteers. This is set out at Annex F.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

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 a Factual note on regulated activity in relation to children:
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.

Types of check

Disclosure and Barring Service (DBS) checks

Three types of DBS checks are referred to in this guidance (see Annex G for more information):

- Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- Enhanced: This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and

- Enhanced with barred list check: where people are working or seeking to work in regulated activity with children, this allows for an additional check to be made as to whether the person appears on the children's barred list.

Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

If we allow an individual to start work in regulated activity before the DBS certificate is available, we will ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

If we know or have reason to believe that an individual is barred, we commit an offence if we allow the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

Secretary of State prohibitions

Teacher prohibition orders

Teacher 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. A check of any prohibition can be carried out using the Teacher Services' system.

Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication **Teacher misconduct: the prohibition of teachers**

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

Application for Vacancies

Advertised posts will include the statement:

"The Jane Lane School is committed to safeguarding children and young people. All prospective post holders are subject to a satisfactory enhanced DBS disclosure."

All prospective applicants will receive the following:

- Job Description & Person Specification
- An application form
- The Child Protection Policy
- The Safer Recruitment Policy
- Current information about the school

All prospective applicants must complete, in full, an application form.

Short-Listing and References

Short-listing of applicants will be based on all relevant information supplied but with particular reference to the person specification. In short-listing we are trying to ensure that the best applicants are called for an interview. We will seek references for all short-listed applicants ahead of the interview date (s). References will be sought directly from the referees. We will contact referees if we need to clarify any anomalies or discrepancies. Our reference form seeks to clarify:

- The applicant's suitability to work with children and young people
- Any disciplinary warnings, including those that relate to the safeguarding of children
- The applicant's suitability for this post.

Note: employees are entitled to see and receive, if requested, copies of their employment references.

The Interview

Though the selection process may vary from post to post, a face-to-face interview will be part of it. Governors discussed and approved the inclusion of at least one governor to every interview panel (Summer Term 2017).

Interviewees will be required to:

- Explain satisfactorily any gaps in employment
- Explain satisfactorily any anomalies or discrepancies in the information available to the interviewers
- Declare any information that is likely to appear on a DBS disclosure
- Demonstrate their capacity to safeguard and protect the welfare of children and young people
- To sign the application form prior to the interview if it had been emailed

Interviewers will:

- Create a record of all responses, scoring, as appropriate, using a 0-3 scale
- Encourage applicants to give detailed responses to questions asked
- Determine the successful applicant(s) based on quality of responses and scores given (where applicable).
- A score of 0 for safer recruitment questions will mean that a candidate will not be considered for the post.

Pre-appointment checks

All new appointments

Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

Governors discussed and approved that any offer of appointment made to a candidate who is suspended pending a disciplinary investigation is subject to will not be able to the successful completion of that investigation (Summer Term 2017).

When appointing new staff, the school must:

- verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;
- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- verify the candidate's mental and physical fitness to carry out their work responsibilities. 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 specific role;
- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks the school consider appropriate;
- verify professional qualifications, as appropriate.

The school should use the Teacher Services' system to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment.

There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. The school may also choose to request an enhanced DBS certificate should they wish to do so.

The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter in regulated activity.

DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue.

This allows for portability of a certificate across employers. Before using the Update Service schools or colleges must:

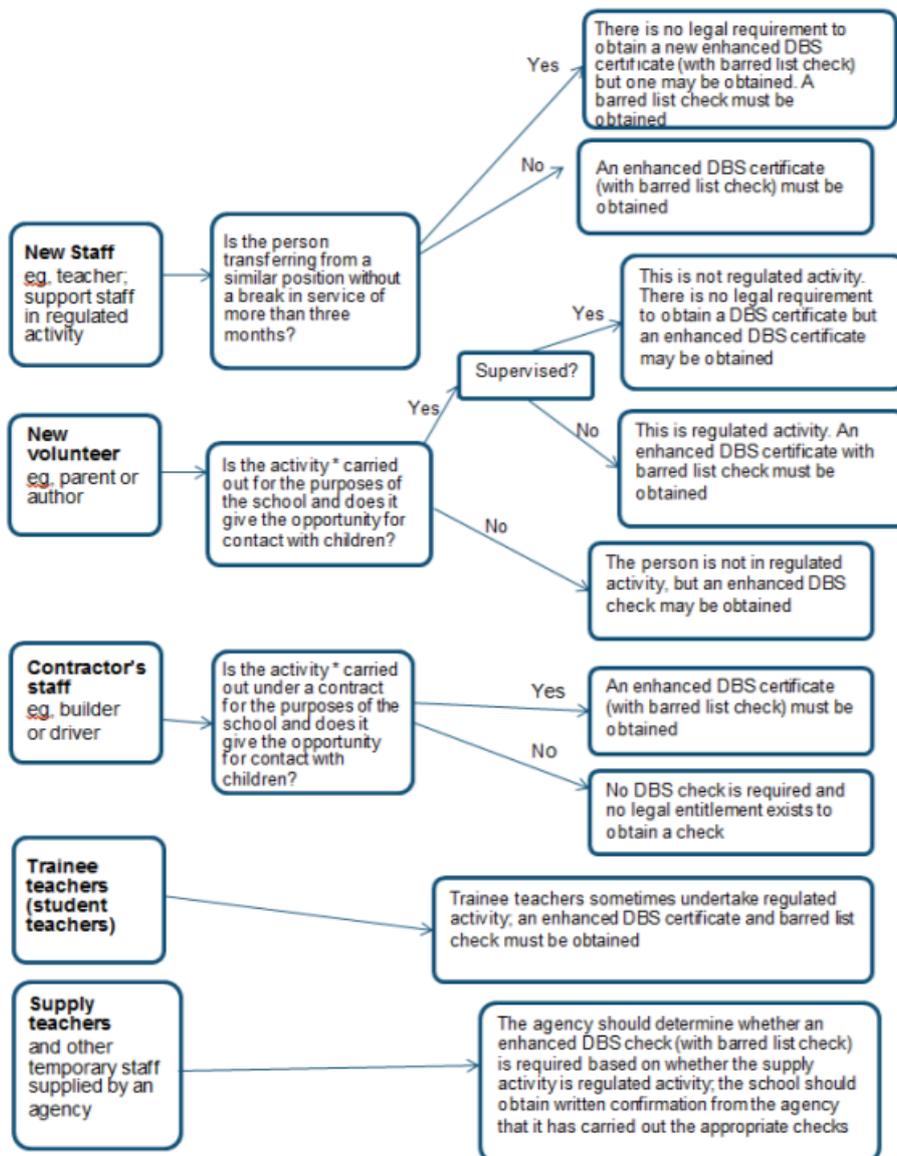
- obtain consent from the applicant to do so;
- confirm the certificate matches the individual's identity; and
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information.

The school can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account. Further information about the update service can be found at [GOV.UK](https://www.gov.uk).

Induction of new staff

All staff who join the Jane Lane School will receive induction in line with the Induction Policy that will include reference to the safeguarding policies and procedures.

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



* Activities listed under the guidance's definition of regulated activity and which are carried out frequently

Employment history and references

The school will always ask for written information about previous employment history and check that information is not contradictory or incomplete (Application Form).

References should be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions.

References should always be obtained and scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They should always be requested directly from the referee and the school will not rely on open references, for example in the form of 'to whom it may concern' testimonials.

If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred to previously).

Single central record

The school must keep a single central record, referred to in the regulations as the register.

The single central record must cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK; this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions;
- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

For supply staff, the school should also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff.

Where checks are carried out on volunteers, schools should record this on the single central record.

For details of records that must be kept, see:

- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);

The school does not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help the school comply with the requirements of the Data Protection Act, when a school chooses to retain a copy, it should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file. Further information on handling DBS certificate information can be found on GOV.UK.

Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in the school. In addition, the school must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the NCTL Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, the school should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

The Home Office has published guidance on criminal record checks for overseas applicants. The department has also issued guidance on the employment of overseas trained teachers. This gives information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

Agency staff

The school must obtain written notification from any agency 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 school that the school would otherwise perform.

Where the position requires a barred list check, this must be obtained by the agency prior to appointing that individual. The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

Trainee/student teachers

Where applicants for initial teacher training are salaried by the school, the school must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) 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. The school should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

There is no requirement for the school to record details of fee-funded trainees on the single central record.

Existing staff

If the school has concerns about an existing staff member's suitability to work with children, the school should 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 was not regulated activity into work which is regulated activity, the relevant checks for the regulated activity must be carried out.

Apart from these circumstances, the school is not required to request a DBS check or barred list check.

The school has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

The DBS will consider whether to bar the person.

Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found on GOV.UK. 121.

Where the school, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Volunteers

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

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in the school will be in regulated activity. The school should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity.

Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the school may conduct a repeat DBS check

(which should include barred list information) on any such volunteer should they have concerns. The school 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. The school is 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. In doing so they should consider:

- the nature of the work with children;
- 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 suitability; and
- whether the role is eligible for an enhanced DBS check.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as the school in deciding what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed. This is replicated at Annex F. The guidance issued following this change requires that:

- 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 DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to enter, regulated activity.

Maintained school governors

Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

Contractors

The school should ensure that any contractor, or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all

other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The school is responsible for determining the appropriate level of supervision depending on the circumstances. If a contractor working at a school is self-employed, the school 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. The school should always check the identity of contractors and their staff on arrival at the school.

Visitors

The school does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). The Headteacher should use his professional judgment about the need to escort or supervise visitors.

Adults who supervise children on work experience

The school when organising work experience placements should ensure that policies and procedures are in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement.

The school should consider the specific 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 teaching/training/instruction frequently (more than three days in a 30-day period, or overnight).

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. If so, the school could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

The school is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases, and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the

child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

Annex F: Statutory guidance – regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised.

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on 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. This 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.
5. 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's 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's 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;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children; and if it is a specified place such as a school;
- consider whether the supervised worker is a volunteer.

Annex G: Disclosure and Barring Service checks

These are the types of checks available to those working with children:

Type of check	What the check involves	Positions eligible for this level of check
Standard check	Check of the Police National Computer records of convictions, cautions, reprimands and warnings.	The position being applied for must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
Enhanced check	Check of the Police National Computer records plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed.	The position being applied for must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.*
Enhanced criminal record check with children's and/or adult's barred list information	Check of the Police National Computer records plus additional information held by police plus check of the DBS Children's Barred List plus check of the DBS Adults' Barred List.	The position must be eligible for an enhanced level criminal record check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check.

*This legislation does not provide a list of job roles that are eligible for this check – such a list does not exist. Instead, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 sets out the 'exempted questions' for which a standard check can be obtained. Similarly, the Police Act 1997 (Criminal Records) Regulations 2002 set out the purposes for which an enhanced check can be obtained, and the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 list the circumstances in which an enhanced check will automatically include a barred list check. It is important to note that the Regulations can also remove roles, duties or activities through the removal of an exempted question or of a particular purpose. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Police Act 1997 (Criminal Records) Regulations 2002 and the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 can all be found on the [legislation website](#).

Any individual (including an applicant for a job which does not involve working with children) can be asked to apply for a basic criminal record check. This will just show unspent convictions and cautions. This service is currently provided through Disclosure Scotland.

TM25.06.17