

April 2021

Dear colleague,

We are writing to all schools and early years (EY) settings about:

1. Wiltshire Council's revised advice about carrying out new DBS for existing staff and volunteers
2. Updates to the DBS policy and DBS FAQs
3. Return of existing volunteers

## **1. Revised advice regarding repeat DBS checks for existing staff and volunteers**

We know from our work with schools and EY settings that many have a schedule in place for redoing DBS checks for staff and regular volunteers and that for many more no rechecking is done. Our advice to date has been in line with DBS guidance, namely that it is for employers to decide about renewal periods and that a DBS certificate has no expiry date, so there is no statutory duty for schools and settings to redo checks within a particular timeframe.

Following a recent routine internal review of advice to schools about DBS checks for staff who have been in continued employment in a school or setting, and in response to advice of police colleagues, we now **recommend** as good practice that all schools and settings set a rechecking schedule that comprises DBS checks being re-done within 3 years.

It remains the case that if a person comes to police attention and they are in a sensitive safeguarding role (e.g. teacher), the police should then make disclosures to an employer via the Common Law Police Disclosure process, if an immediate risk is identified. Officers carrying out investigations by units of the Public Protection Department are aware of the need to do such safeguarding disseminations such as DOFA proceedings.

However, such disclosures cannot be made if a person has lied about their employment status or job title to delay, and in an attempt to avoid, such proceedings. In addition, it is not possible always to identify job titles that may have safeguarding implications for children (e.g. administrator) and some offences (e.g. theft) may not indicate a risk to children, but may be significant for employers considering the role that the person has in school or setting.

Beyond Common Law Police Disclosure process, there is no process by which the police would update and inform schools about any referrals to DBS between renewal applications. Schools should therefore undertake DBS applications, in addition to all other relevant checks, on any member of staff or volunteer about whom they have concerns, when relevant to do so, even if the three-year period has not elapsed.

DBS checks are part of safer recruitment but of course are never the whole picture and cannot be relied upon without clarity about responsibilities and actions taken by schools and settings to keep children safe. A DBS renewal schedule should however strengthen safeguarding practice in all schools and settings.

## **2. Updates to the DBS policy and DBS FAQs**

The DBS policy has been updated. The format and presentation has been streamlined to improve the flow of the policy. In addition, the following updates have been made to its contents:

- A new section about DBS re-checks has been added to reflect the advice outlined above.

- The overseas candidates' section has been updated to reflect new advice following the UK's exit from the EU.
- The employing ex-offenders and disclosure of convictions/cautions has been updated to reflect the changes to the DBS filtering rules as amended in November 2020.

The DBS FAQs have also been updated as follows:

- Q.22. Is there a need to undertake DBS for all staff at regular intervals (e.g. three years)? Updated to reflect the advice outlined above about setting up DBS re-checks every three years.
- Q.24. Is there a need to undertake DBS for all volunteers at regular intervals (e.g. three years)? Updated to reflect the advice outlined above about setting up DBS re-checks every three years.

**Action:** schools to adopt the updated DBS policy.

### 3. Return of existing volunteers

If volunteers are returning to their volunteering duties after being inactive for a period of time due to the coronavirus pandemic (i.e. school closures, volunteering activities being temporarily cancelled, etc.), schools are advised to take the following steps in relation to existing volunteers:

- **Check if a DBS recheck is required:** if their DBS was issued over three years ago, a new DBS will need to be carried out as outlined above. Schools are also advised to encourage volunteers to register to the DBS update service which is free for volunteers.
- **Ask volunteers about any changes to their DBS status:** If the DBS was issued less than three years ago, the schools should ask the volunteer if there has been any changes since their DBS certificate was issued in relation to any new cautions, convictions, reprimands or police investigations that may have taken place. If the volunteer is registered with the DBS update service, the school may carry out an online status check to confirm that no new information has been added to the DBS certificate since its issue but must obtain consent from the volunteer before doing so.

Schools should use their own judgement and where there are any particular concerns about the suitability of an existing volunteer, the school should not allow them to resume their duties until these have been properly investigated and a satisfactory DBS disclosure has been received.

If you require any further information, please contact your HR provider, the Safeguarding Effectiveness Advisory team or the EY Quality Assurance Officer.

Yours faithfully,

HR Advisory team [SchoolsHRAdvisory@wiltshire.gov.uk](mailto:SchoolsHRAdvisory@wiltshire.gov.uk)

Safeguarding Effectiveness Advisory team [SEA@wiltshire.gov.uk](mailto:SEA@wiltshire.gov.uk)

Early Years team [earlyyears@wiltshire.gov.uk](mailto:earlyyears@wiltshire.gov.uk)