### DISCLOSURE & BARRING

### SERVICE

### POLICY AND PROCEDURES

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GENERAL PRINCIPLES

SAFEGUARDING STATEMENT
“ We are committed to safeguarding and promoting the welfare of children and young people and expect all staff, contractors and volunteers to share this commitment ”. (Lewis Wood, Proprietor)

The Nursery Manager is responsible for ensuring all staff, including contractors, bank staff, students and volunteers, are suitable to work with children. Checks are carried out via enhanced Disclosure and Barring Service (DBS) clearance checks as well as other sources, such as employer references, identity checks and qualification checks, amongst others. From June 17th 2013, the nursery will no longer be using the CRB (Criminal Records Bureau) system, which is replaced by DBS. Existing staff CRB’s will be phased out as detailed below.

Where possible new staff will have the checks completed prior to starting employment. However if there are delays in checks coming through, as a last resort, candidates may work in the nursery before these checks completed as long as they are supervised by registered and DBS checked staff at all times.

All nursery staff will be informed of those members of the team awaiting enhanced DBS clearances. Staff awaiting these checks will never:

- Be left unsupervised whilst caring for children
- Take children for toilet visits unless supervised by registered staff
- Change nappies
- Be left alone in a room or outside with children
- Administer medication
- Administer first aid
- Take photographs of any children
- Look at a child’s learning and development log
- Have access to children’s personal details and records

Whilst ensuring all the above are adhered to, we still recognise that it is vital that the staff member awaiting an enhanced disclosure is made to feel part of the team and participates fully in every other aspect of the nursery day.

We recognise that the enhanced DBS disclosure is only part of a suitability decision and nursery management will ensure each individual working with a child goes through a vigorous recruitment and induction procedure (as laid out in the safe recruitment policy). We will also ensure they receive continuous support, training and supervision from management in order to provide a safe, secure and healthy environment for all children in the nursery.
All students and volunteers will also receive an interview to ensure they are suitable for the nursery and an induction process to ensure they fully understand and are able to implement the nursery procedures, working practices and values. All students will be fully supervised to ensure they receive the appropriate support, training and information they may require.

We comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

We also comply with the obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and have a written policy on these matters.

**TYPES OF DISCLOSURE AND BARRING SERVICE**

There are three types of Disclosure: Basic, Standard and Enhanced. Eligibility for Disclosures is underpinned by law. The level of the check required is dependent on the exposure and risk associated with the relationship between the individual and the children and/or vulnerable groups.

**Basic** - A Basic Disclosure contains details of convictions considered to be unspent under the Rehabilitation of Offenders Act 1974 (ROA) or states that there are no such convictions. Anyone can have a Basic Disclosure.

**Standard** - Standard checks are for people entering certain professions, such as members of the legal and accountancy professions. Standard checks contain convictions, cautions, reprimands and warnings held in England and Wales on the Police National Computer, relevant convictions in Scotland and Northern Ireland may also be included.

**Enhanced** - These are for posts that involve a far greater degree of contact with children or vulnerable groups. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. This level of check involves an additional level of check to those carried out for the Standard check – a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced check.

The nursery will require an enhanced check for all staff, which provides an additional level of security for vulnerable groups. Disclosure information is only used for the specific purpose for which it has been requested and for which the applicant’s full consent has been given.
DBS PROVIDER - TMG GROUP

The nursery has selected the TMG Group to be its service provider for the DBS checks:

TMG CRB
1 Wilford Business Park
Nottingham
NG11 7EP
Tel: 0845 251 5000
Web: www.tmgcrb.co.uk

TMG CRB is an Umbrella Body for the Disclosure and Barring Service (formerly known as Criminal Records Bureau) and Disclosure Scotland. Established in 2002, it is one of the largest and most experienced criminal record check organisations, processing over 170,000 per year using both online and paper solutions. The nursery will be using the online system as our preferred method of checking.

NURSERY REQUIREMENTS

- DBS certificates are required for all existing and new nursery employees regardless of whether they are in a childcare role or not.
- DBS checks are also required for students, volunteers, bank staff and contractors.
- New staff joining the nursery, regardless of whether they have an existing CRB certificate, will be required to undergo a DBS check at or before the commencement of employment.
- New staff joining the nursery with existing DBS certificates obtained from other organisations are only accepted by the nursery if the employee is registered for the government’s update service and permission is granted to us to access the information prior to commencement of employment. Otherwise a new DBS will be required.
- Existing CRB certificates for nursery staff will be phased out from June 2013 as detailed below in favour of a DBS check.
- Staff with existing CRB certificates registered in 2010 or earlier are required to have a DBS check within 6 months of the DBS scheme commencement date of June 17th 2013, dates to be agreed with the nursery. Staff with existing CRB certificates registered in 2011 or later are required to have a DBS check between 12-18 months of the DBS scheme commencement date of June 17th 2013, dates to be agreed with the nursery.

THE DBS APPLICATION PROCESS

- The staff member logs onto the TMG DBS site http://www.tmgcrb.co.uk/make-an-enquiry/
- The applicant completes the information online and submits to the nursery for verification.
The nursery verifies the application using acceptable documents (see below).

The nursery forwards the application including payment to TMG for verification.

The nursery will pay the fee directly to TMG on behalf of the employee. The nursery will subsidise 50% of the DBS fee and will reclaim the other 50% from the employee’s salary or other method of payment as agreed. The nursery will not subsidise DBS checks for students, volunteers, bank staff or contractors.

TMG verifies the application and issues a certificate to the employee either (1) a clear disclosure (2) a disclosure with content for further examination.

If the disclosure is clear, then a paper copy is sent to the employee but not the employer. However, the employer can print a copy from the online disclosure, with employee consent not to be unreasonably withheld.

If the disclosure contains content, then a paper copy will be sent by TMG to the employee’s home address (but not to the employer). The employer will be able to see online that this has been done and that content has been recorded, but will not have a facility to print off the disclosure. In these circumstances, the employer is entitled to request a copy of the printed disclosure from the employee. The employee does not have to provide the disclosure but it may prejudice employment if refused. Any copy provided to the employer will be kept on file for as long as the employee is with the nursery.

Printed disclosure information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. Online disclosures are password protected.

**DBS UPDATE SERVICE**

The nursery requires each member of staff to subscribe to the government’s DBS Update Service within 19 DAYS of receiving their initial or revised DBS certificate. This service can be accessed online at [https://www.gov.uk/disclosure](https://www.gov.uk/disclosure). This is not a TMG service.

New employees joining the nursery with existing DBS certificates who have not joined the update service will be required to apply for a new DBS before having unsupervised access to children. They will also be required to join the update service within 19 days of the certificate issue date.

The DBS update subscription is about £15 (2014), payable directly by the employee to the DBS online; through this service, applicants will have their DBS Certificate kept up-to-date and be able to take it with them job to job, where the same type and level of check is required.

As part of our annual status check for employees, regulated by OFSTED, the nursery will require access to the DBS update service, with employee permission, to carry out regular online checks (at least once per year) to see if any new information has come to light since issue of the employee’s DBS certificate.

If an employee has not subscribed to the update service and the nursery has to conduct a full DBS procedure again, the full cost will be passed onto the employee.
ACCEPTABLE DOCUMENTS FOR VERIFICATION

For verification purposes, employees must provide one document from group 1 and two documents from group 2.

**Group 1**

- Valid passport (any nationality)
- UK Driving Licence (either photo card or paper)
- Original UK Birth Certificate (issued within 12 months of date of birth) (full or short form)
- Valid photo identity card (EU countries only)

**Group 2**

- Marriage certificate
- Non-original UK birth certificate (issued after 12 months of date of birth) (full or short form)
- P45/P60 statement
- Bank or building society statement
- Utility bill (electricity, gas, water, telephone (including mobile phone contract / bill)
- Valid TV Licence
- Credit or store card statement
- Mortgage statement
- Valid insurance certificate
- Correspondence or a document from: the Benefits Agency; the Employment Service; the Inland Revenue; or a Local Authority
- Financial statement (e.g. pension, endowment, ISA)
- Valid vehicle registration document
- Valid NHS Card
- Addressed payslip
- National Insurance number card
- Exam certificate (e.g. GCSE, NVQ)
- Child benefit book
- Certificate of British nationality
- Work permit / visa

APPLICANT'S RIGHTS

Usually a job applicant has no legal obligation to reveal spent convictions. If an applicant has a conviction that has become spent, the employer must treat the applicant as if the conviction has not happened. A refusal to employ a rehabilitated person on the grounds of a spent conviction is unlawful under the Rehabilitation of Offenders Act (ROA)1974.
Certain areas of employment such as childcare settings are exempt under the ROA 1974 (Exceptions) Order 1975, and may ask about spent convictions. This is known as asking an exempted question. When answering, the applicant would have a legal obligation to reveal spent convictions. The minimum age at which someone can be asked to apply for a DBS check is 16 years old.

OVERSEAS APPLICANTS

The DBS cannot access criminal records held overseas, however, some overseas criminal records are held on the Police National Computer and these would be revealed as part of a criminal record check. Although we will do our utmost to ensure the safe recruitment of overseas applicants, as detailed below, we cannot be held liable for failure to disclose or uncover criminal or other information relevant to the application. For overseas applicants the nursery will deploy some or all of the following:

- We will require a self-declaration of criminal or other activities likely to affect the applicants suitability to work with children.
- We will conduct an identity check of an overseas applicant (Visa, passport, references).
- We may check an applicant’s suitability via an appropriate Embassy- if we are recruiting people from overseas and wish to check their overseas criminal record, we may contact the Embassy or High Commission of the country in question. We may also contact the FCO Response Centre Helpline (020 7008 1500).
- We will obtain an employer’s reference or other such as a college or university.
- We may try to obtain a certificate of good conduct from an overseas employer.
- We will check an applicant’s right to work in the UK. The DBS does not check whether an applicant is permitted to work in the UK. The employer is responsible for ensuring employees have the right to work within the UK.