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Disclosure & Barring Service Policy

1.0 Introduction

A Disclosure and Barring Service (DBS) check is a record of an individual's unprotected Convictions, Cautions, Reprimands and Warnings and can also include intelligence held by the police and/or the DBS that relates to that individual and their suitability for a position.

The law requires checks to be carried out to ensure that people who may pose a threat to those at risk are not given positions of trust where they could exploit the children entrusted to their care.

This policy sets out Oaks Rise's policy in relation to DBS checks and should be read in conjunction with the Oaks Rise Safer Recruitment Policy.

2.0 Definitions

2.1 Regulated activity for working with children

Regulated activity

1. Unsupervised activities: teach, train, instruct, care for and supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children.
2. Work for a limited range of establishments with opportunity for contact with children. Of relevance to Oaks Rise is the inclusion of "an educational institution.... for children" and "relevant childcare premises".
3. This definition does not include work by supervised volunteers. Further guidance regarding supervision is available in the Department for Education's guidance on supervision [here](#):
See Annex One, below, for a flow chart to help with decisions around whether someone is undertaking a regulated activity.

Volunteer

The term Volunteer is defined in the Police Act 1997 (Criminal Records) Regulations 2002, as 'any individual engaged in an activity which involves spending time, unpaid (except for travel and other



approved out of pocket expenses), doing something which aims to benefit some third party and not a close relative.' Volunteers are entitled to a free of charge DBS disclosure.

A volunteer must not:

- receive payment (except for travel or other approved out of pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee post that will lead to a full-time role/qualification.

Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act (ROA) 1974 aims to help people who have been convicted of a criminal offence and who haven't re-offended since under the Act. Custodial sentences of up to and including 4 years in length can become spent. Full details of Rehabilitation periods are available on Gov.uk. The Department for Education guidance Keeping Children Safe in Education provides specific guidance for schools and colleges. Although Oaks Rise is not a school or college we seek to follow best practice and statutory guidance of relevance to our provision wherever possible.

3.0 Levels of Disclosure

There are four levels of Disclosure. These are as follows:

Type of check	What the check involves	Positions eligible for this level of check
Basic check	A basic check will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974	A basic check can be used for any position or purpose
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 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

4.0 Who will be checked & the level of check required

- **Learner-Facing staff:** An individual is eligible for a DBS check with barred list check if they meet the definition of regulated activity for children. At Oaks Rise this means all learner facing staff – Learning Assistants, Learning Facilitators and Senior Learning Facilitators – are eligible and will be checked as such.
- **Administrative & Support staff:** whether the individual is engaging in a regulated activity - and therefore eligible for an enhanced with child barred list DBS check – will depending on a number of factors including especially the level of supervision they are under, how often the person is on site, whether they are on site at the same time as learners or out of hours, and the nature of their role. Most on-site administrative and support roles will be considered as regulated activity.
- **Volunteers:** Volunteers will not be in a regulated activity if they are supervised to the appropriate level. However, due to the vulnerability of all Oaks Rise learners and the fact that learners have autonomy to move around the building without direct adult accompaniment, if a role is learner facing, constant supervision would be required to qualify the activity as non-regulated. In all but exceptional circumstances, a learner-facing volunteer will be working in a regulated activity and will be eligible for and require an enhanced DBS with child barred list check. Volunteers who are supervised regularly and at a reasonable level are only eligible for an enhanced DBS check which does not include a barred list check. This is because they are not deemed to be working in Regulated Activity as they are supervised. This would include, in some cases non-learner facing activities such as office-based administrative or IT volunteer support.
- **Visiting professionals:** Staff members from schools and Local Authorities and professionals such as Educational Psychologists and Speech & Language Therapists will, from time to time,



visit Oaks Rise to either observe group sessions and / or speak with an Oaks Rise learner on a one-to-one basis. Oaks Rise will not typically request to see DBS certificates in these instances but will undertake the following measures:

- Verify the identity of the individual first by communicating via email and confirming that the email address is from a recognized organization. E.g. it is the correct email address for a specific, known school, LA or appropriately registered, known private company.
- Verify the identity of the individual when they arrive on site via inspecting their professional ID badge.
- Ensure that the individual is always accompanied by a suitably checked Oaks Rise staff member as they move around the building.
- Where a one-to-one meeting is required, ensure that this takes place in a space that allows the required degree of privacy whilst also allowing periodic observation – e.g. in a room with an open door or glass paneled door.
- Visiting professionals will, as per standard policy for all visitors, sign in and out of the building and be issued with a “visitor” lanyard.

Where visiting professionals are not working for recognized, known organizations and will require any amount of one to one time with a learner, this must be communicated to the Oaks Rise Director with safeguarding oversight and the DSL so that appropriate measures may be put in place.

- **Parents & Carers on site:** Due to the needs of our learners it is not uncommon for parents & carers to stay on site during the initial learner transition period. It is not necessary to obtain a DBS Disclosure for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of times. However, Oaks Rise will always ensure they sign in and out and are not left unsupervised with children at any time.
- **Agency workers & contractors:** due to the needs of our learners, Oaks Rise does not employ agency staff for learner-facing roles, such as cover teachers. Contractors, such as fire, gas & electrical safety maintenance workers or window cleaners will, wherever possible, be scheduled to attend Oaks Rise on days or hours when learners are not on site. Where this is not possible, contractors will always be very closely supervised by staff accompanying the contractor around the building in close, direct proximity. The DSL and the Oaks Rise director with responsibility for safeguarding oversight must be made aware when a contractor is visiting during Oaks Rise opening times so that appropriate safeguarding arrangements are put in place.



5.0 Frequency of Checks

- A DBS check must be carried out before starting any new employee.
- In exceptional circumstances a candidate may begin work prior to receipt of all essential checks and references. However, a risk assessment must be conducted by the DSL and approval given by the Oaks Rise director with safeguarding oversight. In this situation, the staff member will be closely supervised at all times until the DBS certificate is issued. For a regulated activity a separate child barred list check must also be undertaken before work commences.
- A DBS check has no official expiry date. However any information included will be accurate only at the time the check was carried out. As such, for any individual who is not on the DBS Update Service (see below), a new check will be carried out every 12 months.

6.0 Disclosure on a DBS check

- Oaks Rise is committed to the fair treatment of all individuals it works work.
- Oaks Rise complies fully with the DBS Code of Practice and undertakes to treat all candidates for posts fairly. Oaks Rise will not discriminate unfairly against any candidate subject to a Disclosure based on conviction or other information revealed.
- It is a criminal offence for someone who is barred to apply to work with children or adults.
- If an applicant is found to be barred they cannot work directly in a regulated activity and the offer of employment will be withdrawn.

7.0 Portability

- Under the DBS Code of Practice the only form of portability the DBS recognises is the DBS update service. As such, as a general rule a new DBS check will be applied for, for every new employee or volunteer even if they have a recent (e.g. within the last 12 months) DBS certificate from another employer.
- DBS checks are specific to the post for which they are applying: different information may be disclosed depending upon the relevance to the role applied for therefore are not transferable even when a staff member is moving to a new post internally.



8.0 DBS Update Service

The DBS Update Service is an annual, paid subscription service that allows individuals to keep their Standard or Enhanced DBS certificates up-to-date, and enables employers to perform free, instant online checks of these certificates. New information on criminal convictions is automatically added to the update service in real time meaning that the safeguarding information held on an individual is always up to date. This also negates the need for a new DBS check when individuals move jobs.

Oaks Rise policy in relation to the update service is as follows:

- Where a new potential employee is registered on the update service, the on-boarding manager will check the update service (with the candidate's consent) to verify the current status of convictions and verify the level of DBS check that the candidate has. This check will be added to the SCR.
- Where an individual is not on the update service, Oaks Rise will apply for a new DBS check for the individual and require the individual to register for the DBS update service as soon as the new certificate is issued and in any event within the 30 day permitted window.
- Where an individual fails to register for the update service within the 30 day timeframe the on-boarding manager will notify the DSL and safeguarding oversight director and a new DBS certificate will be applied for in 12 months.
- With staff members' consent, a check of the update service will be carried out every 12 months for all employees to verify that no conviction or other relevant information has been added. For administrative ease this will take place for all staff during September each year.

9.0 Single Central Record

- All DBS certificates must be viewed in hard copy by either the on-boarding manager, DSL or director with responsibility for safeguarding oversight. The DBS will only send a copy of the certificate to the applicant.
- All DBS checks & certificates must be recorded on the SCR by either the no-boarding manager, DSL or safeguarding oversight director

Annex 1: Decision Guidance - Is it a Regulated Activity?

