

## Disclosure & Barring Service (DBS) formerly CRB

### Guidance for schools using contractors

- The positions of individuals, for example, electrician, plumber, photocopier engineers, builders and other construction professionals are not listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Therefore, if they are carrying out these roles, in a general capacity, there is no eligibility for CRB check, known as a DBS check from 1<sup>st</sup> December 2012.
- There are limited circumstances where there will be an entitlement, but applications can only be submitted when a person meets the definition of 'Regulated Activity'. The individual must meet **all** three of the following criteria:
  - The work has to be carried out at school regularly (once a week or more or on four days or more in a single months or overnight).
  - The work has to take place regularly at the same school premises. For example, a tradesperson who works in several different schools, but only works in the same school once a fortnight, is not in regulated activity.
  - The work has to involve the opportunity for contact with children at the school. If the children are on site, or on a part of the site which is separated from areas where children have access, it is not a regulated activity.
- Organisations are in breach of employment law if they insist on DBS checks for individuals that do not meet the definition of 'regulated activity'.
- Organisations can be fined £5000 for requested unnecessary DBS checks.
- As set out by the Department for Education, children should not be allowed in areas where builders are working for health and safety reasons.
- If schools disregard LA advice and guidance, they cannot be indemnified against any additional costs incurred.
- Relevant LA officers and contractor organisations let by the LA will all receive the attached advice and guidance for future reference.
- Schools letting their own contracts will need to ensure they take responsibility for obtaining any information required from the contractor ahead of any work starting.
- For individuals that do meet the requirements for a DBS check, Ofsted advice for visiting staff states that "It is sufficient, for schools and colleges to seek written confirmation that appropriate checks, including DBS checks have been carried out and by whom – most commonly the relevant human resources department (it is not necessary to specify a named individual) – and to confirm the identity of these visitors. It is not necessary (or practicable) to require a date for such checks unless the providing organisation supplies a list of named individual supply staff. Written confirmation may be in the form of a public statement on the agency website, as is the case with Ofsted"

Does the individual meet **all** three of the following criteria:

1. Will the individual carry out the work at your school regularly (once a week or more or on four days or more in a single month or overnight)?
2. Will the work take place regularly at the same school premises?
3. Will the individual have the opportunity for contact with children at the school?

Yes

You should seek written confirmation from the individual's organisation to confirm that all appropriate checks, including DBS have been carried out and by whom. Details should be entered onto your Single Central Record. Written confirmation should be retained on file.

No

The individual does not require a DBS check to carry out work at your school and it is in breach of employment law to insist they have one.

Carry out a risk assessment (a template can be found on the Schools HR Portal) and when the individual arrives at school, you should verify their identity through a company ID card, ask them to sign the visitor book and ensure they are equipped with a visitor pass.