



## Policy Directive and Procedures

# VETTING REQUIREMENTS IN EDUCATION

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## Summary of Changes<sup>1</sup> from Previous Versions

Version no/ Date	Change	Comment	Section/ Page
V1.1/2021.12.09	Limited minor amendments while awaiting publication of overarching central Recruitment and Vetting policy. Fuller review to follow in due course.	<ul style="list-style-type: none"> <li>• Update to titles (organisational, individual officers), and to links</li> <li>• Extension of date to allow for publication of central policy</li> <li>• Clarification that the policy applies to States-maintained schools and Education services. [Appropriate vetting requirements for other education settings/partners (Grant-Aided Colleges, pre-schools, etc.) are set out in relevant agreements/standards etc.]</li> <li>• Education Strategy alignment added</li> <li>• ‘References added to the school SCR</li> <li>• Basic’ DBS check details added</li> <li>• Clarifications around Regulated Activity:                             <ul style="list-style-type: none"> <li>○ Activity that a barred person must not do</li> <li>○ When ‘supervision’ exemption does/doesn’t apply (in schools, it applies to volunteers only)</li> <li>○ ‘Temporary/occasional’ work</li> <li>○ Definition of ‘regularly’ (combining the pervious ‘frequently’ and ‘intensively’)</li> </ul> </li> <li>• Contractors:                             <ul style="list-style-type: none"> <li>○ Update to check levels for contractors (aligned with current KCSIE guidance)</li> <li>○ Unchecked contractors not to work unsupervised</li> </ul> </li> <li>• Link to template form to record vetting (&amp; training) info for external organisations</li> <li>• Vetting for Support Agencies &amp; External Providers to be in line with updated policy and new specific vetting guidance.</li> <li>• Note that volunteers engaging in personal care or overnight activity (even if it happens only once) will be in Regulated Activity</li> <li>• Interim removal of additional DBS requirements appendices (not referenced in text)</li> </ul>	Throughout  P1  S. 1.3  S. 1.6 S. 1.5, 1.7,3.0 S. 2.0 S. 2.0, Appendix 1, Appendix 2  S. 3.5, Appendix 4  S. 3.5, 3.8  S. 3.8  S. 5.0  Appendices 6 and 7

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<sup>1</sup> Material changes only. Minor changes (such as to punctuation, grammar, etc.) will not be listed

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# 1.0 Introduction

## 1.1 Policy Statement

The States of Guernsey and the Education Office is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, and expects all employees, volunteers and suppliers/partners to share this commitment.

## 1.2 Policy Objectives

This Policy Directive sets out those safeguarding vetting checks that are, or may be, required in a range of situations and locations. The level of DBS Certificate required will depend on the job or circumstances of the work as outlined in this Policy Directive, and is not limited to employed roles.

The States of Guernsey as employer will fund the initial DBS application and thereafter all new employees are required to maintain their accounts on-line at their expense through the DBS Update Service. Arrangements for casual supply and agency workers, contractors' staff, volunteers and others are detailed in section 3.0.

## 1.3 Policy Application

This Policy Directive applies to all States of Guernsey maintained schools and supporting Education services and operations under the Office of the Committee for Education, Sport & Culture.

(Appropriate vetting requirements for other education settings/partners (Grant-Aided Colleges, pre-schools, etc.) are set out in relevant agreements/standards etc. and monitored in accordance with governance arrangements.)

## 1.4 Accountabilities

The Head of Inclusion and Services for Children & Schools is accountable for this Policy Directive in States of Guernsey Education services as the Lead Child Protection Officer.

The HR Business Partners are accountable for operation within other States' services with regard to employed workers.

Commissioning Officers are accountable for operation in respect of corporately-instigated contractors.

Accountability for ensuring appropriate compliance in other areas is in line with established monitoring arrangements.

### 1.5 Responsibilities in Education

The HR Manager is responsible for the operation of the policy in recruitment of permanent staff, casual and agency workers.

The Head of Resources and Estates Management is responsible for the operation of the policy in contracting estates' services sourced by Education Resources and Estates Management.

The Head of Inclusion and Services for Children & Schools is responsible for the operation of the policy for work experience and external agencies.

Premises Managers are responsible for ensuring community hirers have determined if DBS checks are required.

The College Principal is responsible for the operation of the policy in contracting services sourced by the College of Further Education.

Headteachers/Heads of Service and College Principal are responsible for:

- Safeguarding young people through risk management within and on occasion beyond their educational settings (work placements, foreign exchanges etc.). Of particular importance is determining levels of vetting and risk when considering recruitment and supervision of volunteers and ensuring comprehensive checks are completed satisfactorily for new employees before starting work in schools and the college. Unchecked staff (permanent or casual) are not permitted to work without express permission and safeguards in place agreed by the Director of Education
- Establishing in their handbook appropriate meet and greet procedures to safeguard young people by ensuring there is knowledge of who is on site and appropriate vetting has been undertaken in accordance with this Policy
- Ensuring compliance with the 'External Providers, Businesses and PSHCE Support Agencies Working with Educational Establishments' Policy Directive to manage risk from visitors working with children
- Ensuring the school 'single central register' (SCR) is maintained with relevant vetting details for people working in school, in line with guidance
- Ensuring community hirers have confirmed DBS checks are in place where required where their school does not have a Premises Manager who would ordinarily oversee this

### 1.6 Education Strategy Alignment

This policy links to the following Education Strategy priorities and commitments:

#### **Equity, Safety & Inclusivity**

- Ensuring that the protective measures in place to safeguard and keep learners safe are of the highest standard in all settings

### 1.7 Linked Documents

- [External Providers, Businesses and Support Agencies Working with Educational Establishments](#)
- [Managing Safeguarding Concerns and Allegations Against People Working in Schools](#)
- [Offsite Visits Procedures](#)
- Casual Worker Handbook
- [Single Central Register Administration Guide](#)
- [Safeguarding Information & Declaration Form – External Organisation](#)

### 1.8 Associated Documents

- Bailiwick's Children and Young People's Plan
- HM Government's Statutory Guidance on Supervision
- Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012
- National Guidance OEAP (formerly Employer Guidance) <http://oeapng.info/>

## 2.0 Types of Vetting Certificate

<b>Basic check</b>	Provides details of unspent convictions and cautions. (Obtained from Guernsey Police, C/O Guernsey Border Agency at White Rock)
<b>Standard check</b>	Check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings.
<b>Enhanced check</b>	Check of the PNC records plus other information held by police such as interviews and allegations. This information must be relevant to the sector and be approved by the police for inclusion on the certificate.
<b>Enhanced criminal record check with children's and/or adult's barred list information</b>	Check of the PNC records and other information held by police plus a check of the relevant DBS Barred List/s.

This Policy Directive sets out those checks that are, or may be, required for any individual working or visiting in any capacity, an educational establishment operated by the States of Guernsey. The vetting requirements will be set out in the Job Description. For most employed appointments, an enhanced DBS Certificate with barred list information will be required as the majority of staff working for Education establishments will be engaging in Regulated Activity. (Regulated Activity is work that a barred person must not do, the definition of which is set out in Appendix 1.) In summary, a person will be considered to be engaging in Regulated Activity with children if as a result of their work they:

- Will be responsible, on a regular basis (see Appendix 1) in a school or college, for teaching, training, instructing, caring for or supervising children under 18 years old; or
- Will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity, even if this happens only once

For others who have an opportunity for regular contact with children but who are not engaging in Regulated Activity, an enhanced DBS Certificate, which does not include a barred list check, will be appropriate.

(In a school or college, a supervised volunteer who regularly teaches or looks after children is not in Regulated Activity. HM Secretary for Education has published [Statutory Guidance on Supervision](#) which should be considered in regards to which checks should be undertaken for volunteers.)

### 3.0 Roles in Education (Appendix 2)

The subsections below cover a range of situations. Headteachers should ensure that relevant vetting details are included on the school's Single Central Register (SCR), in line with [established guidance](#).

#### 3.1 Internal States of Guernsey Appointments

A successful internal States of Guernsey candidate will require pre-employment screening appropriate to the new post because their role was outside Education and any previous check may not have been assessed against similar criteria.

A new check is not required where an individual presents the appropriate DBS Certificate for review with photographic ID and is registered with the Update Service. With their consent, the Hub can undertake a Status check.

Where the individual requires a DBS Certificate (with or without a barred list), a DBS application is completed at the cost of the employer. Registration with the Update Service is required at the employee's cost.

### 3.2 Internal Education Appointments

Current staff are required to complete a recheck at the employer's expense as part of the appointment process if they have not done so within the last three years. Additionally, they must register with the Update Service at their expense, but this is not mandatory for staff originally appointed on contracts of employment with the States of Guernsey pre-dating September 2014, unless being appointed to leadership pay scale roles in schools.

### 3.3 External Appointments

A successful external candidate will require pre-employment screening appropriate to the job. Where the individual already has an appropriate clear DBS Certificate, the Hub can undertake a status check with their consent where the individual has maintained their account online. Full identification checks must be completed and the original DBS Certificate must be available. If the individual has misplaced their DBS Certificate and the status check undertaken by the Hub indicates it revealed a disclosure, the individual will be required to re-apply for a new DBS Certificate at the States' expense in order that the nature of the disclosure can be assessed. The new Certificate must be registered with the Update Service at the individual's expense.

If the individual has not registered with the Update Service or does not have a DBS check, vetting must be completed at the employer's expense before the individual commences work and the employee must maintain registration with the Update Service at their expense.

### 3.4 Overseas Candidates and UK Applicants who live Abroad

HM Home Office has published guidance on [criminal record checks for overseas applicants](#). Education will apply the published assessment criteria (Appendix 3) under the same process to any data revealed by a Certificate of Good Conduct.

### 3.5 Contractors (Non-teaching and Learning)

The States of Guernsey, Education, schools and the College of Further Education must ensure that any contractor from whom it secures services, or any employee of the contractor who is to work at a school or the College, has been subject to the appropriate level of DBS check in accordance with this Policy.

For (non-teaching and learning) contractors whose work provides them with opportunity for regular contact with children on a school site, an enhanced DBS check with barred list check

will be required (or without barred list information if regular contact but the work is temporary or occasional). In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites when interpreting the definition provided in Appendix 1. In cases where the contractor does not have opportunity for regular contact with children, it should be considered whether a basic DBS disclosure would be appropriate.

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 relating to children. (\*Headteachers/Principals are responsible for determining the appropriate level of supervision depending on the circumstances, such as whether children are in school during published school opening times.)

Appendix 4 sets out a vetting clause recommended for commercial service contracts. It requires contractors to advise the commissioning officer who will be on site and that their DBS is compliant with the Policy. Written notification of appropriate satisfactory checks on an individual who will be working in a school or college is required by the commissioning officer from any contractor before any activity can commence – template form available [here](#). The Education Office will make available its screening policy including its convictions and cautions criteria to assist contractors. In all circumstances, once in school, photographic identification checks using drivers' licences or passports must be made by the headteacher or delegated staff member.

Frequent contractors would benefit from registering their staff with the Update Service which is cheaper, removes bureaucracy, ensures validity of the DBS check and can be ported for personal as well as employment purposes such as volunteering with youth and sports clubs.

If a contractor working at a school or the College is self-employed, the States of Guernsey would obtain the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account other than through a recruitment process.

### 3.6 Casual Workers

All casual workers operate on casual worker contracts but are required to undertake the same level of vetting as is required for an employee in the same job as a casual worker might be brought in to cover. They are required to register with the DBS Update Service (see Casual Worker Handbook). No casual worker may work in schools if they are not registered on Education's published list without express permission and safeguards in place agreed by the Director of Education.

### 3.7 Agency Worker (including Contracted IT Workers)

Where an assignment involves working with children, the agency (employment business) will obtain relevant authorisations as set out as a requirement through the commercial contract managed by the HR Manager with regard to agency teachers, lecturers and established staff. For IT, vetting obligations set by the States of Guernsey are contained within the Smart Guernsey contract. These requirements are extended to any subcontractors working to Agilisys on the States of Guernsey contract. The Head of Supply Chain (Agilisys) is responsible for auditing compliance with vetting obligations.

### 3.8 Support Agencies and External Providers of Teaching and Learning

The policy on [External Providers, Businesses and PSHCE Support Agencies Working with Educational Establishments](#) (and underlying specific [guidance](#) on safeguarding vetting for these groups), applies.

Organisations must ensure that all employees, volunteers and others working on their behalf are appropriately vetted according to what they are doing. Any DBS checks required must be renewed every three years by the organisation if individuals have not registered with the Update Service. (However, where the External Provider is another part of the States and has set procedures in place around vetting for work/contact with children, rechecks may vary in line with those procedures).

Written notification of appropriate satisfactory checks on an individual who will be working in a school or the college is required from any agency or third-party organisation before any activity can commence – template form available [here](#). The Education Office will make available its screening policy including its convictions and cautions criteria to assist. Once in school, photographic identification checks must be made by the headteacher or delegated staff member.

### 3.9 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 schools and colleges will be in Regulated Activity. An enhanced DBS certificate (which should include barred list information) is required for all volunteers working in Regulated Activity. An enhanced DBS certificate (not including barred list information), may be obtained for volunteers who are not engaging in Regulated Activity but have the opportunity to come into contact with children on a regular basis. Infrequent volunteers not in Regulated Activity do not require a DBS check. The States of Guernsey is

not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in Regulated Activity.

The school or college should undertake a risk assessment and use 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
- Whether the role is eligible for an enhanced DBS check

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:

- There must be supervision by a person who is in regulated activity
- The supervision must be regular and day to day
- The supervision must be reasonable in all the circumstances to ensure the protection of children

### 3.10 School Committees and Governors

From September 2016 Governors in maintained English schools are required to have an enhanced criminal records certificate from the DBS. 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.

### 3.11 Visitors

Schools and colleges cannot request enhanced criminal records certificates and barred list checks from the DBS, or ask to see DBS certificates, for visitors such as relatives or other visitors attending a sports day. Headteachers and principals should use their professional judgment about the need to escort or supervise such visitors.

### 3.12 Adults who supervise Children on Work Experience

Schools and colleges rely on GWEx to organise work experience placements. GWEx ensures that policies and procedures are in place to protect children from harm.

GWEx considers 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 young person will be:

- Unsupervised
- Providing the teaching/training/instruction frequently (at least once a week or on 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, GWEx could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

GWEx is not able to request an enhanced criminal records certificate and barred list checks from the DBS for individuals supervising children aged 16 to 17 on work experience.

### 3.13 Young People on Work Placements as part of their Course

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a pre-school, 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 an enhanced criminal records certificate should be requested from the DBS for the young person in question. If required, it can be initiated by the States of Guernsey and **is chargeable to the learner when the placement is a requirement of their qualification but not chargeable for ACCESS students who are not completing vocational courses**. DBS checks cannot be requested for young people under the age of 16. In practice children in Year 11 who attain the age of 16 in that school year are placed in pre-schools and schools without an enhanced criminal records certificate requested from the DBS as agreed with Children and Family Community Services and as a matter of policy for the Education Office. Young people 'Out of Year Group' attaining age 17 in Year 11 are 'vouched for' in writing by their Headteacher.

### 3.14 Children staying with Host Families

Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign language exchange visit or sports, music or cultural tours. Education's [Offsite Visits Procedures](#) provides guidance.

### 3.15 Activity Centre Visits

There has perhaps developed over the past few years an expectation that all employees of a third-party provider, who may come into contact with children, will be vetted. Visit leaders should be aware that this is not a reasonable expectation. Under the DBS regime there are clear limits to who can be subjected to which level of vetting. As third party providers will not usually be 'specified establishments' then they will only be able to request an enhanced

criminal records certificate and barred list checks from the DBS for those staff or volunteers who are involved in one of the defined activities and this may well not involve ancillary staff. Providers should still, of course, have in place a robust recruitment and engagement system for all their staff and volunteers.

There is a responsibility on visit leaders to ensure that parents and carers are aware of the level of background checks that are lawful and achievable relative to the destination and selected activity centre.

### 3.16 Self-employed Leaders or Teachers

Self-employed leaders or teachers based in the UK whose services are secured to supplement instruction/leading an Out and About learning experience are required to have an enhanced criminal records certificate and barred list checks from the DBS and be registered on the Update Service such that schools can secure current information with regards to their DBS status. Where absent, an application that can only be made through a recruitment agency, preferably in their home town. All recruitment agencies are able to provide this service under an exemption in the English Act.

### 3.17 Use of States of Guernsey Estate by Community

Where States of Guernsey facilities are used by the community, the conditions of use require the community hirer to ensure that event or activity supervisors have appropriate DBS checks for regulated activities involving young people less than 18 years of age or vulnerable adults. Together with insurance requirements, this is monitored by Premises Managers. Education takes no responsibility for ensuring the quality or compliance for the event or activity and therefore requires its disclaimer to be published by the community hirer:- **The use of States of Guernsey estate should not be taken as a recommendation or endorsement by the school or States of Guernsey and you should carry out your own enquiries to ensure that you are satisfied with the quality, suitability and safety of the event or service advertised and the identity and character of those providing it.**

## 4.0 Risk Assessment of Criminal Convictions for Employees

### 4.1 Recruitment

A successful candidate will be asked to secure an enhanced criminal records certificate and barred list check from the DBS. Upon receipt, their clear DBS Certificate must be taken with their photographic ID to the Hub for inspection. The Certificate Number and date of issue will be recorded. If a matter is disclosed on their DBS Certificate, they must make an appointment for risk assessment (see 4.3). Consent for future status checks should be secured when recruitment is successful (see section 6.0).

A successful candidate living locally already holding an appropriate DBS Certificate and registered with the Update Service should submit their clear DBS Certificate with photographic ID and proof of address to the Hub with oral permission for a status update check. If a matter is disclosed on their DBS Certificate, they must make an appointment for risk assessment (see 4.3). Consent for future status checks should be secured when recruitment is successful (see section 6.0).

UK candidates already holding an appropriate DBS Certificate and registered with the Update Service are required to bring their original certificate with their passport and proof of address to their interview. It will be copied after ID verification and stored securely by an officer not involved in the recruitment process. After agreement on recruitment decisions is reached by the interview panel, the envelope will be opened, and a status check completed by the HR representative and managed in accordance with this procedure. All copy DBS Certificates will be destroyed after a successful appointment.

### 4.2 Managing Disclosed Criminal Convictions

Where an individual has volunteered information regarding criminal convictions prior to vetting (usually in a sealed envelope marked 'Confidential' included with their application form), this information should only be revealed if selected for appointment. It should not be retained.

Where an individual discloses any outstanding investigation, the appointment will be deferred until the outcome is known, at which point it will be considered in accordance with this procedure.

### 4.3 Criminal Conviction Assessment

#### 4.3.1 Employees

Under the terms of the [Rehabilitation of Offenders \(Bailiwick of Guernsey\) Law, 2002](#) employers have an obligation to treat fairly those who have been convicted of criminal offences. The inclusion of a conviction on an individual's DBS Certificate should not automatically be a reason for precluding the appointment of that person to the job.

The Education Office applies published guidance on convictions and cautions criteria set out in Appendix 3 to assess risk in each case on its merits, observing a strict protocol managed by the HR Manager. It is not, however, possible to set out a full list of convictions that will preclude appointment.

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The Director of Education and HR Manager form the Assessment Panel with the Finance Business Partner (for non-safeguarding criminal issues) or Head of Inclusion and Services for Children & Schools (for safeguarding issues).

Disclosed category 1 convictions and cautions result in immediate rejection irrespective of the individual's age at the time of offending.

Disclosed category 2 convictions and cautions relating to safeguarding children will be referred to the Head of Inclusion and Services for Children & Schools. Where the disclosure relates to non-safeguarding criminal issues, the Finance Business Partner is consulted. The individual should be invited to attend a meeting with the HR Manager and given the opportunity to explain the background to their conviction. A record of the individual's explanation should be taken by the HR Manager and signed by the individual. Their signed consent should also be obtained for the States of Guernsey to verify their explanation/comments with relevant external agencies. The individual should be informed that the decision on whether or not to proceed with their appointment cannot be made until all facts have been gathered and assessed.

Following assessment of all relevant factors a decision can be taken by the whole Assessment Panel on whether or not to proceed with the appointment, reflecting on the views of their colleagues and the HR Manager's notes from the above meeting bearing in mind the principles of natural justice, with consideration given to, but not limited by, factors such as:

- References
- Employment history
- Any mitigating circumstances/ examination of the circumstances that led up to the offence
- Length of time since the conviction
- Previous service (for existing States employees)
- Repeat patterns of offences/behaviour
- Whether the conviction is relevant to the post/activity
- Whether the risk can be managed

The decision will be conveyed in writing to the individual and is open to appeal only through the Court under The Rehabilitation of Offenders (Bailiwick of Guernsey) Law 2002.

For any decision taken on whether or not to appoint an individual with a conviction, Education will need to demonstrate an audit trail of all factors that led to the decision.

When confirming the appointment, the DBS Certificate number and date of current status check will be recorded in the usual manner. The audit trail data collated by the HR Manager

will be stored in a secure 'electronic envelope' on the individual's employee record until he/she vacates the job. The Line Manager must be notified.

The HR Manager must have discussed the content of the DBS Certificate with the applicant before withdrawing any offer of employment. The audit trail would be retained for six months in accordance with this Policy – no longer because the individual has not been employed. The Line Manager would be notified the appointment was not made as pre-employment checks were not satisfactory.

### 4.3.2 Contractors and External Providers

Where an individual is not an employee of the States working for Education but a DBS check is required and it has presented with disclosures, the individual can be assessed by their organisation in line with the published criteria or with the permission of the individual the certificate can be referred to Education for assessment via the process outlined in section 4.3.1. All pertinent material would be retained by the original organisation. A letter would be issued to the organisation to confirm the determination, a copy of which would be the only material retained by the States of Guernsey (HR as owner of the DBS process).

## 5.0 Assessment of a Volunteer Disclosure Certificate in Schools or College

Where a volunteer will be in Regulated Activity an enhanced criminal records certificate and barred list check from the DBS will be required. The Headteacher should invite the volunteer to complete an application, have their photograph taken for their ID Card and subscribe to the Update Service (Appendix 5).

Where the volunteer already holds an appropriate check i.e. an Enhanced and Barred Child Workforce DBS Certificate for another organisation, the Headteacher need only satisfy themselves that it is clear and still current and valid using the online DBS Status Update facility. The individual must be registered for that Service, which is free of charge for volunteers. If they have not registered, they will require a new DBS Certificate. In either circumstance, the volunteer should meet with the Headteacher, bringing their clear DBS Certificate, a form of photographic identification and the completed form on the reverse of their volunteer letter. The Headteacher should read the DBS Certificate in the presence of the individual.

The volunteer letter (Appendix 5) will have advised the individual that disclosures on the DBS Certificate need to be referred to Education for assessment (see 4.3). It is therefore anticipated that the certificate presented to the Headteacher will be clear, raising no concerns, and the Headteacher can then complete the online DBS Status Update enquiry with the individual. The Assessment Form must be completed and signed before electronic

submission to the Hub for entry into the volunteer database and issue of an ID Card. Those porting their DBS Certificate from another organisation will need to be photographed at school for their ID Cards. The digital image can be sent to the Hub [sap.hr@gov.gg](mailto:sap.hr@gov.gg) with the scan of the Assessment Form.

Once cleared by the Headteacher the volunteer should have an induction to familiarise themselves with school's general policies and procedures and the expectations of their volunteer role.

Volunteers who have contacted Education with queries about their disclosures will be invited to meet with the HR Manager and their certificate will be assessed in accordance with procedures (see 4.3). An accepted volunteer will be verified using the same Assessment Form.

All DBS Checks verified for volunteers, whoever assesses them, are logged by the Hub in the States Volunteer Database to centralise the Status Check process and restrict access to personal material. ID photographs will be stored against each entry to facilitate re-issue.

For the avoidance of doubt, when volunteering regularly at a new establishment an individual must present a current ID Card or be DBS status update checked by that establishment.

Those who volunteer infrequently and are supervised do not require a DBS check\* and therefore will not be in receipt of an ID Card. (\*Except where the volunteer engages in intimate or personal care or overnight activity - even if this happens only once.)

## 6.0 Management of Sensitive Information

Information relating to the criminal convictions of individuals must be treated as highly confidential. The unauthorised disclosure of such information is a disciplinary offence and will be treated as a criminal offence under both Data Protection and Rehabilitation of Offenders legislation.

Authorised officers have access to DBS Certificates with disclosures for assessment purposes only. Release of the information to other persons is not permitted in any circumstances. At present, authorised members of staff are the Director of Education, Head of Inclusion and Services for Children & Schools, HR Business Partner, Finance Business Partner and the HR Manager.

DBS Certificate numbers, issue date and their most recent status check date are recorded against individual employee records. For volunteers this is recorded by the Hub in a database together with the name and address of the volunteer, their date of birth, email

address, the type of disclosure, and the position and establishment for which it was required.

Headteachers are encouraged to record the status check date for individual volunteers with their contact details to ensure they work only with those checked regularly. Clear status checks run by the Hub will be notified to schools by their receipt of new ID cards for the volunteer via internal post.

Access to the database record of screened volunteers will normally be restricted to HR and SAP-HR Admin at the Hub.

The DBS Certificate belongs to the individual and they must retain the original. No copy DBS Certificates or Status check reports should be retained within the States in any form beyond six months of the date of issue unless express consent is secured. Once the maximum retention period of six months has elapsed for screening material, it must be securely destroyed and at no time in this process left accessible to unauthorised inspection i.e. in confidential waste sacks removed from lockable bins.

The audit trail developed in assessing individual recruitment DBS Certificates with disclosures is stored electronically in the confidential area attached to the employee record for the period of that individual's employment.

For the avoidance of doubt, audit trail material stored by the HR Manager for successful candidates failing pre-employment checks and therefore not confirmed in post is also destroyed six months after the date the offer was withdrawn.

## 7.0 Maintaining DBS Clearance

The DBS will not proactively provide an employer with status change details. The States of Guernsey therefore may require new DBS status checks of current employees at its discretion. This will apply to all holders of Enhanced (and Barred) DBS Certificates.

For new employees and casual workers the States requires registration with the DBS Update Service at either the time of the DBS application upon appointment to their role or when in receipt of their DBS Certificate AND additionally their written consent to complete a status update. The States of Guernsey can complete as many checks as frequently as it requires for as long as that consent remains in place. For this purpose all employees and workers are required to maintain their DBS accounts via the online Update Service at their own expense.

Volunteers must also maintain their accounts, a service provided by the DBS without cost.

It is recommended that contractors maintain an Update Service account at their cost.

<https://www.gov.uk/government/organisations/disclosure-and-barring-service> provides comprehensive information for employers and employees about the DBS Update Service.

The status of a certificate will change and it will no longer be valid:

- For all DBS Certificates if there are:
  - New convictions, cautions, reprimands or warnings; or
  - Any amendment or change to a current conviction, caution, warning or reprimand
- For enhanced DBS Certificates if there is:
  - Any new, relevant police information
- For Enhanced Certificates with a Barred List check:
  - If the person becomes barred for that list checked on the enhanced Certificate

The States of Guernsey can apply to the DBS to determine if the status change is because the individual has been barred from working in Regulated Activity if specific conditions apply:

- Where an offence or concern comes to light as a result of updating an employee's screening
- Because of appointment or transfer to a post requiring higher level of screening reveals offences debarring appointment
- Because information has been received via legitimate channels

Its relevance to the post would be carefully assessed (see section 4). A decision to recommend termination of employment on these grounds would be taken by the Assessment Panel. If an individual leaves the States, moves to a position where there is no legal entitlement to the same DBS check, or withdraws their consent, further online checks will cease.

## 8.0 Portability of Disclosures

A DBS Certificate belongs to the individual. It only contains information from a DBS check on a certain date and for particular workforce(s) as requested by an organisation. Within the relevant workforce, individuals can port their DBS Certificate from one role to another subject to being registered on the online Update Service. Ported disclosures within these 'workplace' types are accepted:

- Child Workforce - for any position that involves working/volunteering with children
- Child and Adult Workforce - for any position that involves working/volunteering with both children and adults

Portability is managed within strict criteria defined by the DBS with which these procedures comply:

- Have the individual's consent either orally or in writing
- See the original DBS Certificate to confirm its type (workforce(s) as relevant to the role) and level (enhanced, barred)
- Confirm the individual's identity against photographic ID inc full name and date of birth
- Record the DBS Certificate Number and date of Issue
- Comply with the DBS Code of Practice which includes having a policy on the recruitment of ex-offenders, assessment procedures and disqualification criteria
- Transparency by publication of policy and disqualification criteria on job descriptions

### 9.0 Referring to the DBS<sup>2</sup>

The States of Guernsey must refer someone to the DBS if it:

- Terminates employment because they harmed a child or adult
- Terminates employment because they might have harmed a child or adult otherwise
- Is likely it would terminate someone's employment for either of these reasons, but the person resigned first

(More information in the [Managing Safeguarding Concerns and Allegations Procedure.](#))

### 10.0 Education Services Complaints Procedure

Complaints should be submitted in writing using the form in the document 'Comments, Compliments and Complaints' found on

<https://www.gov.gg/ComplimentsCommentsandComplaintsEducation> which also explains how investigations of the matter will be handled. Any complaint will be handled confidentially and as swiftly as is practicable.

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<sup>2</sup> [www.gov.uk/disclosure-barring-service-check](https://www.gov.uk/disclosure-barring-service-check)

## Appendix 1: Definition of Regulated Activity (Children)

Regulated Activity is work that a barred person must not do (and so an enhanced DBS check including barred list check is relevant)<sup>3</sup>.

It is the responsibility of the organisation engaging the individual to decide if a particular role falls within the legal definition of Regulated Activity. The full 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: scope](#).

Work under (a) or (b) below is Regulated Activity only if done **regularly** (see over the page).

- a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised\*, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children. (\*For clarity: If the work involves regularly teaching, training, instructing, caring for or supervising children in a specified place such as a school, paid workers (i.e. not volunteers) will be in regulated activity even if supervised.)
- b) Work for a limited range of establishments ('specified places'), which include schools and colleges, with the opportunity for contact with children. (However, this does not include work done by supervised volunteers, nor does it include paid work in specified places that is temporary/occasional and does not involve teaching, training, instruction, care, supervision or advice.)

Some activities are always Regulated Activity, 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<sup>4</sup> includes helping a child with eating and drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
  - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional

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<sup>3</sup> Note: In some circumstances where the work involved is not technically Regulated Activity but there is opportunity for regular contact with children, 'Keeping Children Safe in Education' guidance, which the Education Office follows, indicates that an enhanced check (without barred list check) either should or may be carried out – this is covered in the main policy document.

<sup>4</sup> It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots

### 'Regularly'

Means the same person engages in the activity:

- Frequently, or on more than 3 days in any 30-day period, or
- Overnight between 2am and 6am with the opportunity for face-to-face contact with children (this does not apply to driving a vehicle for children)

### Specified establishment

This is a specific list and for our purposes and includes all Education Establishments except Sir Charles Frossard House.

## Appendix 2: Roles requiring Enhanced with or without Barred List DBS Checks

An individual may require a DBS enhanced certificate with/out barred list check either through what they do (a defined activity) or where they work (a specified place).

1. All teachers, lecturers, learning support assistants, learning mentors and school administration teams, both permanent and casual, delivering unsupervised activities or based in Education establishments
2. Caretakers and cleaners employed by the States of Guernsey and working frequently in education premises during school hours and when learners are present for out of school activities run by the school teaching staff on-site
3. All employees, both permanent and casual, working for the Special Educational Needs Transport Service and those drivers contracted to provide SEN pupil transport
4. Lunchtime supervisors, both permanent and casual, employed by the States of Guernsey and working in the supervision of children
5. Volunteers working unsupervised with learners or supervised but on residential visits or in situations where children are changing
6. Regular or frequent contract workers, working in Education premises while learners are in attendance; drivers of buses contracted by Traffic and Highway Services to operate the school transport services; and drivers contracted by Education Services for the purpose of facilitating off-site activities.
7. Established Staff posts as detailed on job descriptions

## Appendix 3<sup>5</sup>: Education Office Convictions and Cautions Criteria

*NOTE: The criteria defined by these guidelines will be used to assess each application on an individual basis. Eligibility will depend on the nature and circumstances of the offence and the post. It is not possible to set out a full list of convictions that will preclude a person from working with Education assets/information or in schools with children.*

Item	Screening Decision	Type of Offence
1	<p><u>Convictions or Cautions</u></p> <p><b>Action:</b></p> <p><b>Immediate rejection</b> where an applicant of any age has been convicted or cautioned for an offence such as:</p>	<p>Treason</p> <p>Murder</p> <p>Manslaughter / Culpable Homicide</p> <p>Rape</p> <p>Kidnapping / Abduction</p> <p>Incest / Intercourse with a girl under 13</p> <p>Buggery / Sodomy with a person under age 16 or a person who has not consented</p> <p>Serious sexual offences (punishable by life or more than 10 years imprisonment)</p> <p>Hostage taking, hi-jacking or torture</p> <p>Involvement in espionage, terrorism, sabotage or any actions to overthrow/undermine parliamentary democratic governance by political, industrial or violent means or association (past or present) with any organisation advocating such activities</p> <p>Any driving offence involving 'causing death by'</p> <p>Firearms offences</p> <p>Offences involving unsolicited violence towards others</p> <p>Unlawful possession of weapons, firearms or going equipped to steal</p> <p>Sexual Offences punishable by up to 10 years imprisonment</p> <p>Any sexual offence involving a child</p> <p>Gross indecency</p> <p>Acts of indecency</p> <p>Abuse or neglect of children</p>

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<sup>5</sup> Adapted from the Committee for Home Affairs to meet Education Office criteria

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2	<p><u>Convictions or Cautions</u></p> <p>Circumstances of convictions, cautions, reprimands, formal warnings, final warnings, fixed penalty notices and restorative justice sanctions.</p> <p><b>Action:</b></p> <p>Consider the circumstances of the offence(s). Areas considered should include:</p> <ul style="list-style-type: none"> <li>• Whether the offending has been repeated</li> <li>• Applicant’s age at time of offence</li> <li>• The length of time elapsed since the offence</li> </ul>	<p><b>Violence related offences</b> including but not exclusively:</p> <ul style="list-style-type: none"> <li>• Any hate crime</li> <li>• Domestic Violence offences</li> <li>• Offences involving serious violence or injury including Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH);</li> <li>• Public order offences – involvement in riot, violent disorder, affray, causing fear or provocation of violence, causing intentional harassment, alarm or distress.</li> <li>• Criminal damage</li> <li>• Drunk and disorderly</li> </ul> <p><b>Dishonesty related offences</b> including but not exclusively:</p> <ul style="list-style-type: none"> <li>• Interference with judicial process or the investigation of offences</li> <li>• Offences which involve elements or acts of dishonesty, corruption, financial gain or loss to anyone, including theft, fraud and deception</li> <li>• Burglary / theft by housebreaking</li> </ul> <p><b>Drugs/Driving Offences</b> including but not exclusively:</p> <ul style="list-style-type: none"> <li>• Involvement in drugs including one possession of a Class A drug (Heroin, morphine) or more than one Class B drug (amphetamines, cannabis) and/or supplying drugs of any kind.</li> <li>• Dangerous driving within the last 10 years</li> <li>• One offence of drink driving (drunk in charge) or drugs driving within the preceding 10 years</li> <li>• Convictions within the last 5 years for driving without insurance, failing to stop after an accident, or driving whilst disqualified</li> <li>• More than 3 traffic convictions (including fixed penalties parking offences that resulted in court appearance) within the last 5 years (for offences on different dates)</li> <li>• 2 or more convictions for regulatory offences such as failure to renew driving licence within the last 5 years</li> </ul>
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3	<p><u><i>Outstanding Charges &amp; Summons</i></u></p> <p><b>Action:</b></p> <p>Await outcome</p>	<p>Where an applicant discloses an outstanding charge or summons or is the subject of a police investigation, then the screening decision should be deferred until the outcome is known at which point it will be considered in accordance with this policy</p>
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## Appendix 4: Vetting Clause in Contracts and SLAs

### Vetting of Staff for External Providers

As an external provider of services to its young people and/or their place of learning, the Education Office requires that *Entity*<sup>6</sup> ensures that all Disclosure and Barring Service (DBS) Checks are valid<sup>7</sup> and cleared for all workers in accordance with DBS eligibility criteria<sup>8</sup>. This should include other workers operating on its behalf and volunteers\* who undertake activities defined as 'Regulated Activity' and requiring an Enhanced DBS Certificate with barred list check.

\*A volunteer may only be exempt under HM Department for Education's statutory guidance regarding Regulated Activity Under Supervision where they are effectively supervised by an appropriately vetted individual.<sup>9</sup> Headteachers/College Principal are responsible for determining the appropriate level of supervision depending on the circumstances.

### Vetting of Staff for Contractors (Non-teaching and learning)

For all contractors whose work provides them with an opportunity for regular contact with children on a school site, an enhanced DBS check with barred list information will be required (or without barred list information if regular contact but the work is temporary or occasional). In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites. (If the work does not provide opportunity for regular contact with children, a basic DBS disclosure may be requested if considered appropriate.)

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in Regulated Activity.

The Education Office requires that *Entity*<sup>10</sup> ensures that all Disclosure and Barring Service (DBS) Checks are valid<sup>11</sup> (dated within 3 years of the scheduled end date of the work) and cleared in accordance with DBS eligibility criteria<sup>12</sup> for all employees and other workers operating on its behalf. Where disclosures are made, Education will assist in determining the suitability of an individual to work in an educational setting in accordance with section 4 of the Policy.

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<sup>6</sup> Insert name of operator

<sup>7</sup> DBS Status Checks on each individual must be completed at each contracting period or every three years, whichever is the more frequent.

<sup>8</sup> The convictions and cautions criteria will be appended to the supplier's contract.

<sup>9</sup> The HR Manager or the Hub can advise on regulated activity and the DBS eligibility criteria.

<sup>10</sup> Insert name of operator

<sup>11</sup> DBS Status Checks on each individual must be completed at each contracting period or every three years, whichever is the more frequent.

<sup>12</sup> The convictions and cautions criteria will be appended to the supplier's contract.

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Written notification listing employees' full names, type, date and reference number of their most recent certificate/status check (no older than three years unless registered with the Update Service), is required before any activity can commence. It should be submitted to the commissioning officer at Education. Staff must also arrive on site with photographic identification for inspection (drivers' licences or passports are acceptable).

## Appendix 5: Volunteer Letter

Dear Parent/Carer

### **VOLUNTEERING AT YOUR CHILD'S SCHOOL**

Parents and carers are a wonderful support in extending the teaching and learning opportunities we can offer here and I would encourage you to consider volunteering if ever you have time to spare. If you have specific knowledge or skills we can utilise, all the better, and we would be very pleased to hear from you.

More regular volunteers or those in school without the supervision of a teacher would require an Enhanced and Barred (Child) Disclosure and Barring Service Certificate to be assessed before joining us. Many of you may work or volunteer with children already and hold the Child Workforce DBS Certificate and we would be happy to use it assuming you are registered with the online DBS Status Update Service. If you do not hold a DBS Certificate, the Hub at Sir Charles Frossard House will assist you in completing your application which will then be processed free of charge as a school volunteer. They will need to take your photograph for your ID Card too. Please call them on 227000 for more information.

Your certificate has to be assessed before you can start, whether you have one now already or not. This is easily achieved if nothing is disclosed on the certificate. Simply telephone school to arrange an appointment with me to which I would ask you bring your certificate and photographic identification, ideally your passport. I shall verify your identity, read your DBS Certificate and complete an online DBS Status Check with you and should then be able to run through our short volunteer induction. It should all take no more than 20 minutes.

If we are using an existing DBS Certificate I shall also need to take a photograph so we can issue an ID Card (because you did not need to complete a DBS application form at The Hub). It may be requested as ID in school, on trips or if you help at another school. It will be re-issued for collection from school every time we run a status check which is about every three years. To authorise these checks, could you complete the form on the reverse of this letter and bring it with you please.

If your certificate has disclosures, whatever their age or nature, it is preferred that you contact the HR Manager on 227000 to arrange a meeting to complete the assessment. You will still need to take your DBS Certificate, photographic identification and the completed form on the reverse of this letter with you.

We look forward to welcoming you as a volunteer.

**Headteacher**

**ENHANCED AND BARRED (CHILD) DBS CERTIFICATE ASSESSMENT FORM**

To be completed by volunteer (new or ported DBS Certificates)

Surname:

First Name:

Address:

Email Address:

Telephone Number:

Date of Birth:

Relationship with school: Parent/Carer/Extended Family/External Organisation\*  
(Please circle)

\*Organisation:

I undertake to subscribe to the DBS Status Update Service upon receipt of my DBS Certificate to fulfil my role as a volunteer in the Child Workforce. I authorise the States of Guernsey to access my online Certificate as and when required.

Signature:

Date:

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To be completed by Headteacher/HR Manager (ported DBS Certificates)

Child Workforce Disclosure Certificate No:

Date of Issue:

Date of Status Update:

School:

I confirm I have read this individual's original enhanced and barred (child workforce) DBS certificate and completed a status update check in accordance with Education Office policy. This individual is accepted as a volunteer.

Signed:

Date: