



Diocese of Salisbury
Academy Trust

'Beyond expectations for all of God's children'

Disclosure and Barring Service (DBS)

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This policy is to be adopted by each Academy

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1. Overview

- 1.1 This policy and procedure applies to all employees working within the Diocese of Salisbury Academy Trust (DSAT) this policy also applies to volunteers, Academy Standards and Ethos Committee (ASEC) and anyone else who comes into contact with pupils in our Academies.

The principles of this policy will also apply to agency staff, self-employed individuals, individuals working for any contractors/sub-contractors (where the contract agreement specifies the requirement for a criminal records check) and anyone working within the academy and DSAT Central Services. Ordinary visitors to the academy must be accompanied at all times when visiting.

- 1.2 Our policy:
- Outlines the academy's procedure for obtaining disclosure and barring service (DBS) checks;
 - Confirms the academy will undertake enhanced DBS checks as part of its pre-employment processes for all posts;
 - Confirms that those CRB checks which were obtained prior to the 1st December 2012 remain valid until their expiry date becomes due. There is no need to obtain DBS checks for all roles formerly requiring a CRB check until such a time as the CRB disclosure expires or unless new information is added to the DBS due to a new warning, caution, reprimand or conviction.
 - DSAT will carry out new DBS checks for all employees requiring a new DBS after 5 years from the date of their last DBS through their respective academies or the HR team for those in DSAT Services or on the Board.

2. Policy Statement

- 2.1 DSAT is committed to fulfilling its duty to safeguard and protect the welfare of all children and young people by ensuring the highest integrity of those of those appointed to positions in the academy as well as ensuring that appropriate checks are made in respect of agency staff, self-employed individuals, employees of contractors/subcontractors volunteers and those who come into contact with children and young people with the academy or on long term work placements.
- 2.2 DSAT is also committed to the elimination of discrimination and to equal treatment in employment. This applies to prospective employment and all stages of employment and includes providing equal opportunities to both potential and existing employees, including ex-offenders, subject to the over-riding duty to protect children and young people. The policy and procedure has been developed to comply with legislation relevant to criminal record checking.
- 2.3 DSAT recognises that DBS checking forms a part of installing a safer recruitment/on-going safer culture and is committed to ensuring that the other appropriate policies/procedures (listed below) are in place to complement this policy – contained within our Employment Manual.
- Recruitment and Selection Policy
 - Code of Conduct
 - Dealing with allegations against staff
 - Whistleblowing Policy
 - Volunteers Policy

3. Roles and Responsibilities

3.1 Applicant and employee responsibilities

- To be completely honest in declaring all convictions before employment.
- To be completely honest in declaring subsequent convictions after having been employed.
- To provide such information as is requested in order for the DBS check to be carried out.
- For those who subscribe to the DBS online checking service, to notify the Headteacher and to give permission to carry out an online check with when joining the academy for the first time or when a subsequent recheck is to be carried out.
- To bring in their DBS check to be checked by the Headteacher or an authorised person.
- Any employee who does not comply with the terms of this policy and where the academy feels they have behaved in a way which is felt to be dishonest in respect of this policy or which brings the academy's reputation into question, may be subject to the academy's disciplinary policy. This could result in a dismissal from employment with the academy.

3.2 Headteacher or Line manager responsibilities

- To ensure that the need for a DBS check is recorded on the job description for the role when a Job Evaluation Questionnaire for a new role is submitted for evaluation or re-evaluation.
- When information is received regarding a candidate's offending background, to confirm with the HR team whether the information is relevant to the role being applied for.
- Not to make a decision not to employ a candidate on the basis of DBS check outcome without first discussing this with the candidate and the HR team.
- Not to unfairly discriminate against an applicant with a criminal record.
- To assess what safeguarding training is required for employees or volunteers and ensure they attend such training and any refresher courses.
- To check the information appearing on the DBS check in accordance with the guidance for the Headteacher/Administrator for checking a DBS check.
- To confirm on all recruitment materials relevant to a role whether it is exempt from the Rehabilitation of Offenders Act (under the Rehabilitation of Offenders Act (exceptions) order 1975), and that an enhanced DBS disclosure will be required for the successful candidate.
- To undertake all safer recruitment reference checking including DBS checks.
- Any Headteacher or line manager who does not comply with the terms of the academy's DBS checks policy and where DSAT feels they have behaved in a way which is felt to be dishonest in respect of this policy or which brings the academy's reputation into question, may be subject to the Academy's disciplinary policy. This could result in a dismissal from employment with DSAT.

4. Guidance for Academies on Disclosure Barring Service (DBS) checks.

- 4.1 The Disclosure and Barring Service is the body which provides the criminal record check and makes the barring decisions where individuals are considered unsuitable to work with children or vulnerable adults.
- 4.2 DBS checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. This includes any organisation whose staff or volunteers work with children. In academy checks these will be undertaken as either Enhanced Checks or Enhanced Checks with a Barred List Check. DBS checks can only be undertaken for individuals aged 16 or over.
- 4.3 Enhanced Check with a Barred List check is a check that is available to anyone employed in regulated activity i.e. regularly caring for, training, supervising or being in sole charge of children.

It is important to request the check to be made for working with children as this may make a difference to the information that is disclosed. Such a check will show the criminal record of an individual including those convictions that are “spent” and additional information from the Police and a check against the Children’s Barred List.

- 4.4 Enhanced Check with a Barred List check must be undertaken for all employees, LGB members, DSAT Board members and regular volunteers who have contact at least weekly, 4 times in a 30-day period, for overnight residential activities, where they undertake personal care or where they have unsupervised time with children.
- 4.5 As of the 17th June 2013, copies of the DBS certificate will only be sent to the applicant. It is the responsibility of the academy to ensure that they have seen a copy of the applicant’s disclosure certificate and recorded the disclosure certificate number on the Single Central Record.
- 4.6 Enhanced disclosures (Enhanced Criminal Record Certificates) are also available from the Disclosure and Barring Service and contain details of all unprotected convictions and cautions, both unspent and spent, and also any intelligence information which a chief officer of police reasonably believes to be relevant to the application. These certificates are only available for certain jobs and activities listed on the Exceptions Order, usually involving regular contact with children and other people in vulnerable circumstances.
- 4.7 The Police Act 1997, under which the Disclosure and Barring Service operates, sets out whether standard or enhanced disclosure applies. Applications for standard and enhanced criminal record certificates have to be made by the recruiting organisation either directly if they are a Registered Body or through a Registered Body providing an umbrella service (sometimes known as an Umbrella Body). The certificate is sent to the individual who must then hand it to the employer.
- 4.8 Section 128 management checks - reminder
All academies must ensure there is a column in their single central record for the Section 128 checks on individuals in management positions - this means your Trust Board, and also includes senior leaders who are employees such as the Headteacher, members of the senior leadership team and heads of department (where applicable). See paragraphs 99 and 112 of ‘Keeping Children Safe in Education’ 2016.

5. Posts Subject to DBS Checks

- 5.1 In academies, under the Protections of Freedoms Act of May 2012, the requirement for DBS check is that:

Employees must have an Enhanced check plus a check of the Barred List

Volunteers must have an Enhanced Check plus a check of the Barred List if they:

- a) Have unsupervised contact with children regularly (once a week or more, 4 times in a 30 day period or overnight, defined as between 2am and 6am) or;
- b) Undertake personal care.

Where Volunteers are supervised by another adult in Regulated Activity they can (rather than must) be DBS checked if they are working regularly with children BUT are not eligible for a check of the Barred List. The definition of supervision is set out in the DFE guidance. See section 13 (additional information).

Headteachers need to be clear about their reasons for obtaining or not obtaining a DBS check.

5.2 **Academy Employees**

The academy staffing (England) (Amendment) Regulations 2006 make it mandatory for a DBS enhanced with a barred list check to be obtained for all newly appointed academy staff. This includes workers who do not directly work with children such as caretakers, administrative and ancillary staff. The definition of newly appointed is anyone who had not worked in an academy in England for 3 months or more. All existing staff will be rechecked through DSAT's DBS provider on a 5 year cycle.

5.3 **Designated Senior Person for Child Protection**

Any individual, including an existing member of staff, taking up this post will be subject to an enhanced DBS check. The only exception to this is in the case of an existing employee with the academy who have been subject to a criminal record check in the previous 3 months.

5.4 **Academy Standards and Ethos Committee**

While it is not in the guidance for Academy Standards and Ethos Committee (ASEC) members to undertake an enhanced DBS check with a Check of the Barred List automatically, as eligibility depends on the level of contact with the children; DSAT require all ASEC members to undertake an enhanced DBS check in relation to best practice checks which will be undertaken by individual academies.

5.5 **Volunteers**

It is recognised that many parents and other volunteers help regularly in the classroom and with activities associated with the academy. DSAT will require a DBS check for those frequently volunteering activity within the academies and the contact they have with children.

5.5.1 **Determining whether volunteer DBS checking is required**

The DFE does not expect academies to check existing volunteers continuing with their old duties, unless they have cause for concern. For new volunteers, where the volunteering is frequent, intensive or overnight, involves contact with children and is not supervised, or where they undertake personal care (including assistance with changing), Headteachers should obtain an enhanced DBS check with a check of the Barred List. Statutory guidance stated that frequent means once a week or more; intensive means four or more times in a thirty day period and overnight is from 2am to 6am.

Where individuals are supervised by another person in Regulated Activity the Headteacher will refer to the DFE statutory guidance on Supervision of activity and the DFE factual note on regulated activity in relation to children when coming to a decision about where a DBS check is necessary. In such circumstances the eligibility is for an Enhanced check without a check of the Barred List.

5.5.2 **Academy Exchange Host Families**

UK host families providing accommodation for foreign students in organised academy exchange visits for less than 28 days must have an enhanced DBS check. This check will include all adults living at the address of the lead family member. The Academy organising the exchange will also give host families basic awareness of Child Protection issues and the contact details of the Designated Senior Person for Child Protection in the academy. If the visit is longer than 28 days it will be treated in the same way as a private fostering arrangement and advice on the required level of check should be sought.

5.5.3 **Contractors and Sub-contractors**

Contracted staff who come into regular contact with children such as cleaning, caretaking and kitchen staff must be checked by the contractor in the same way as academy employees, including having an enhanced DBS with barred list check and such requirements form part of the contract. The outcome of such checks must be notified to the academy and included on the single central record. The contractor is also responsible for ensuring that the same procedures are followed by any sub-contractors. The contractor must provide the academy with a list of its direct employees and those of any sub-contractors at least 20 days before they start work on site.

5.6 **Agency Supply Staff**

Staff supplied to the academy via an agency will be subject to checks by the agency itself. In all cases the academy will obtain written confirmation from the agency that the appropriate checks have been completed. The academy is not required to evidence that the checks have been completed, although it can have sight of a DBS check where relevant information is recorded. i.e. when the check was completed and who by and in relation to the role that will be completing for the academy. In certain circumstances the DBS may not be sufficient to use previous DBS check and a new one may need to be applied for.

5.6.1 Breaks in employment will be investigated

5.6.2 The academy will carry out a risk assessment, even if the agency has carried out their own risk assessment, before the person begins work at the academy.

5.7 **Work experience students places in academies**

Work experience students placed in academies are not required to obtain clearance from the DBS because it is not expected that they will at any time be left unsupervised whilst working with children. Note that it is not possible to obtain an enhanced check or barred list check for anyone under the age of 16.

5.8 **Teaching trainees or graduates placed in academies**

Student (Placements) or Teaching Graduate Trainees placed in academies should have an Enhanced DBS with barred list check which will be undertaken by the initial teacher training provider so that disclosures are received prior to the trainee commencing academy based training. The academy will ensure that this is in place prior to the trainee commencing at the academy but are not entitled to view a copy.

5.9 **Checks required for the self-employed**

The DBS recommends that self-employed persons should be subject to an enhanced disclosure (carried out by the academy but paid for by the individual) prior to commencing a role in circumstances where there is likely to be unsupervised access to children (in an academy setting this may include music tutors, for example). The normal vetting checks such as identity checking should also be conducted.

Academies can obtain DBS checks for self-employed people who will be working on school premises as long as the disclosure is intended to be used to consider the suitability for undertaking a particular role. It is normal practice for the self-employed person to pay for any DBS check undertaken by the academy. Self-employed individuals are not able to obtain their own personal checks via the DBS.

5.10 **Overseas staff to be checked**

Newly appointed staff and staff recruited since 2002 who have lived outside the United Kingdom must undergo the same checks as for all other staff in academies. This includes Enhanced DBS with a barred list check if this is their first job since entering the UK from a period abroad.

DBS checks will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to and enhanced DBS with barred list check. Additional checks such as obtaining certificated of good conduct from relevant embassies or police forces are necessary. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Extra care should, therefore, be taken in ensuring that references are taken up and that other background checks are conducted. Such information should be recorded on the Single Central Record.

5.11 **Ex-Service Personnel who have served abroad**

Where an offer of employment is made to a member of the armed forces it will be necessary to not only carry out a DBS check into the successful candidates background, but also to ask for the relevant branch of the armed forces (RAF, Army, Navy) to confirm in writing whether the candidate had a criminal record.

- 5.11.1 Where partners of former armed forces personnel who are returning to work in the UK from abroad at the academy will need to supply a "certificate of good conduct" from the country they were based in.

6. People who are not required to obtain a DBS check

It is not necessary to obtain a DBS check for:-

- Staff appointed before 2002 who have continuity of service and who have not previously been DBS checked unless moving roles into posts with closer contact with children. The exception to this is workers from overseas.
- Public sector staff such as psychologists, nurses, dentists and centrally employed teachers (because they will have been checked by their own organisations). However, the academy should check the identity of such staff on arrival to ensure imposters do not gain access to children.
- Visitors who have business with the Headteacher or other staff who have brief contact with children with a member of staff present.
- Volunteers or parents who only accompany staff and children on occasional outings or trips that do not involve overnight stays, or who only help at or attend events such as sports day, academy fetes, academy concerts etc.
- Key stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases, the academy placing the pupil should ensure that s/he is suitable for the placement in question.
- People who are not on site before or after academy hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home.

7. Portability of checks

- 7.1 Where DSAT has carried out a check on an employee who moves academies within the DSAT group, and where there is not more than a three month gap in continuous employment, a new check is not required although one may be undertaken at the discretion of the Headteacher.
- 7.2 Where an employee already employed with the academy is being considered for another position with the academy a new one is not required.

8. The DBS update service

- 8.1 The DBS update service allows individuals to keep information on their DBS disclosure certificate up to date on payment of an annual subscription (free for volunteers). This only applies where they have had a DBS check within the last 14 days.
- 8.2 Where an individual has subscribed to the update service, an academy will be able to carry out status checks, free of charge, which will indicate whether there have been any changes since the last full DBS check but not what they are. Where there are changes noted, the academy will be advised to obtain another DBS check. Disclosure certificates can therefore be portable ONLY in these circumstances and at the discretion of the Headteacher.
- The applicant (employee or volunteer) has subscribed to the Update Service; and
 - You have the applicant's consent to carry out a check; and
 - The certificate is the same type and level that you are legally entitled to see, e.g. Enhanced with Children's Barred List check

Otherwise a new check will need to be obtained.

9. Considering the Relevance of Convictions

9.1 Ensuring Equal Treatment

The Academy are required to ensure that applicants and existing employees who are subject to a DBS check and where there is a criminal record are treated fairly and in accordance with the Policy on the Employment of Ex- Offenders

9.2 Convictions where working in an Academy is banned

Receipt of a positive disclosure will not automatically make an application or existing employee unsuitable for a position unless stipulated but statute/guidance Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 certain persons are banned for life from working with Children. These are those registered on information held on section 142 of the Education Act 2002 (previously known as list 99), those registered on the DH list, those on the register maintained by the National Assembly of Wales, and those aged 18 years or older convicted of a schedule 4 offence.

It is an offence for a disqualified person to apply for, offer to do, accept or do any work in any of the regulated positions (including those in an academy setting) set out in the Act. It is also an offence for an employer to knowingly offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or to fail to remove such an individual from such work.

9.3 Assessing positive disclosure where no statutory ban is in place

In assessing the suitability of a person with a criminal record for employment or voluntary work the Headteacher needs to consider both the nature of the job and the details and circumstances

of any convictions. Account must be taken of the academy's policy on the Employment of Ex-Offenders which is a mandatory requirement for all employers who use the DBS checking service.

Generally, only convictions relevant to the position can be taken into account. The over-riding consideration, however, will be the duty to safeguard children and young people.

9.4 **Considering the Circumstances against the risks identified**

Assessing the risk of employing a person with a criminal record means comparing the applicant's skills, experience and conviction circumstances against risk criteria identified for the job. Whilst it may not be possible to carry out a thorough risk assessment on each individual, the Headteacher may consult with the HR team and take the following matter into account when considering clearance.

- The seriousness of the offence
- The length of time since the offence occurred, and the age at which it occurred (e.g. juvenile)
- Any relevant information offered by the individual about the circumstances which led to the offence being committed
- Whether the offence was a one off or part of a history of offending
- Whether the individual's circumstances have changed since the offence was committed
- The country in which the offence was committed (e.g. some activities are offences in Scotland but not England and Wales and vice versa)
- Whether the offence has since been decriminalised by parliament
- The explanation, degree of remorse, rehabilitation or otherwise, expressed by the individual and the motivation to change

Where it is deemed to be necessary, a full risk assessment may be carried out.

9.5 **Handling Positive disclosures of existing staff**

Employees are required to declare any cautions, convictions or reprimands (including judgments or investigations pending) that they receive during the course of the employment. The relevance of such disclosures will be considered as detailed in paragraph 9 below.

Where an employee does not declare any caution, conviction or reprimand but a DBS check reveals information which results in an existing employee being considered as potentially unsuitable for their position, a disciplinary investigation will take place. Findings will be presented to a disciplinary panel convened for this purpose where consideration will be given to the appropriate action to be taken. This could include a decision to terminate employment.

9.6 **Disclosure of past convictions - for all roles exempted from the Rehabilitation of Offenders Act 1974**

9.6.1 Where a role is exempted from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 the applicant/employee is required to be completely honest in disclosing all convictions throughout their entire life, from the age of criminal responsibility (10 Years).

9.6.2 All posts at the school are exempted from the rehabilitation of Offenders Act 1974 (exceptions) order 1975, and no conviction will ever be considered spent and applicants/employees must declare it, unless it is a "protected conviction/ caution" (see below)

- 9.6.3 Applicants/employees need to be informed that they have accepted a caution, warning or reprimand from the Police these must be declared as relevant offences.
- 9.7 **Protected Convictions/cautions**
- 9.7.1 All roles at an academy are exempted from the Rehabilitation of Offender Act 1974 (exceptions) Order 1975. Applicants are required to be completely honest in disclosing all convictions and cautions throughout their entire life, from the age of criminal responsibility (10 Years) except from protected convictions or protected cautions.
- 9.7.2 Where an applicant has accepted a caution, warning or reprimand from the Police then these must be declared as relevant offences.
- 9.7.3 **A conviction is a “protected conviction” if:**
- It does not relate to a “listed offence”, such as violent and sexual offences.
 - No Custodial sentence was imposed.
 - The individual has no other convictions. (Where the individual has more than one conviction, all convictions will be included on the certificate).
 - It was received by a person aged under 18 at the time of the conviction **and five and a half years or more** have elapsed.
 - It was received by a person aged 18 or over at the time of the conviction and **11 years or more** have elapsed.
- 9.7.4 **A caution is a protected caution if:**
- It does not relate to a listed offence;
 - It was given to a person aged under 18 at the time of the caution and **two years or more** have elapsed;
 - It was given to a person ages 18 or over at the time of the caution and **six years or more** have elapsed.

10. Starting Work Pending and DBS Check

Academies are advised not to start any new employee or volunteer prior to having seen a valid DBS disclosure certificate and recorded the disclosure certificate number on the SCR. In circumstances where it is deemed necessary to start someone pending a DBS check the following steps should be taken:

- A satisfactory check of the Children’s Barred List and completion of other pre-employment checks;
- The Criminal Record Self Declaration form should be completed;
- A full risk assessment should be carried out by the Headteacher;
- An offer of employment has been made subject to seeing a satisfactory DBS certificate;
- The individual should not be allowed unsupervised access to children.

Before allowing an employee or volunteer to commence their duties prior to the DBS certificate being seen by the academy, the Headteacher should complete a risk assessment. Anyone who has not obtained a DBS check should not be left unsupervised with children.

Where an individual has been allowed to start work without a DBS certificate being seen by the academy, and the DBS certificate is not produced in a timely way, the academy will need to liaise with the registered body to ascertain whether any information can be provided about whether the DBS certificate has been issued. Otherwise, consideration will need to be given as to

whether any formal action will need to be taken against the individual and whether they can continue to work in the academy without producing the DBS certificate.

11. Single Central Record

11.1 The DFE requires all academies to be able to demonstrate that they have robust and accurate records of all recruitment and vetting checks carried out. This information must be compiled into a Single Central Record (SCR) of completed checks in each academy. The SCR is often the first document an OFSTED Inspector will ask to see and failure to produce an SCR evidencing that all the appropriate checks have been made will have an immediate and serious impact on the outcome of the inspection.

11.2 People to be included on the single central record

- All staff who are employed to work at the academy.
- All staff who are employed as supply staff to the academy, whether employed directly by the academy or the LA or through an agency.
- All others who have been chosen by the academy to work in regular contact with children (Volunteers and Governors who also work as Volunteers)
- People brought into the academy to provide additional teaching or instruction for pupils but who are not staff members, such as specialist sports coaches, music tutors or artists.
- All others who are brought into the academy and have regular contact with the children in the academy.

11.3 Checks to be included on the central record

The single central record must indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications required for the job e.g. those posts where a person must have QTS or NPQH
- Checks of right to work in the United Kingdom for all staff
- Checks on information held under the Children's Barred List
- DBS Enhanced Check and number
- Further overseas records checks where appropriate
- Prohibition from teaching check via the NCTL site for new starters from 03.04.2014 Only
- Supply Staff – written confirmation that the agency supplying the member of supply staff has carried out the relevant checks and obtained the appropriate in respect of the member of supply staff, and the date that confirmation was received (from April 2015 Onwards).

The information needs to be recorded on the SCR by the person in the academy with the responsibility for doing so. That person should sign and date the record to verify that they have checked the employee's (or volunteer's) details. The record needs to show the date on which the check was completed or the relevant certificate obtained and should show who carried out the check.

12 Retention of Information

12.1 Confidentiality of information

Information disclosed as part of a recruitment process, via self-declaration during the course of employment, or as part of the DBS checking process will be treated as highly confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties.

12.2 **Compliance with DBS Standards**

Disclosure information will be managed in accordance with DBS guidance on the security and retention of disclosures information. The Key provisions are:

- A copy of the DBS disclosure can only be made with the applicant's permission;
- A copy of the DBS certificate can only be retained with the applicant's permission;
- Any copies of DBS certificates must be kept securely;
- Copies of DBS certificates will be destroyed securely when no longer required.

12.3 **Records to be retained**

Records need to be kept by the academy detailing:

- The date the Disclosure was seen and by whom;
- The unique reference number on the disclosure certificate.

The Headteacher will also keep

- A note of what other information was used to assess suitability including a note of any discussion with the individual.
- Any correspondence sent to the individual confirming their clearance.

In addition, where a disclosure reveals information about an individual, the Record of Positive check will be completed and retained on the personal file of the individual. This record will not detail information about actual offences disclosed. These measures accord with the requirements of both the DBS and the academy's Single Central Record.

13. Additional Information

For some further published information, guidance is available as follows:

Statutory definition of "supervised" please view the Department for Education statutory guidance on supervised activities, [please click here](#).

Further guidance is available regarding DBS is available, [please click here](#).