

DISCLOSURE AND BARRING SERVICE (DBS)

Supply teachers have a vital role in raising and maintaining high educational standards in schools. Campaigning to secure professional entitlements for supply teachers is a key priority of the NASUWT, together with securing decent pay and working conditions for all supply teachers.

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012 and replaces the Independent Safeguarding Authority (ISA) and Criminal Records Bureau (CRB).

The DBS administers all criminal records checks and checks against the children's barred list and the adults' barred list to ensure an individual is not prohibited from working or volunteering with one or both of these groups.

The following checks are available from the DBS:

1. A standard DBS check.
2. An enhanced DBS check.
3. An enhanced DBS with barred list check for 'regulated activity'.

Teaching is classed as regulated activity and will therefore always necessitate an enhanced DBS with barred list check to ensure the individual is not barred from working with children.

The NASUWT is aware that some supply agencies and local authorities continue to insist that teachers obtain a separate enhanced DBS Disclosure Certificate when they register simultaneously with multiple supply agencies or local authority supply registers. The Union recognises that this is clearly very costly for individuals and has the potential to restrict a teacher's ability to maximise his/her prospects of finding work. This practice is unnecessary, confusing and contradicts the legislative provisions and statutory guidance.

In June 2013, following recommendations by the Independent Advisor to the Government on Criminality Information Management, the DBS introduced an online system to allow employers to check if any updated information is held on an applicant since the Certificate was issued. This is known as the 'DBS Update Service'.

For an annual subscription of £13, an individual can subscribe to the Update Service to make their Disclosure Certificate portable. The Certificate is sent direct to the applicant to show to prospective employers. With the individual's consent, the employer can carry out a

'status check' online to determine whether the information on the Certificate remains current or whether it is now out of date because there is new information available. If there is new information available, the individual will have to obtain a new Disclosure Certificate to see this information. The status check is a free service for employers.

In theory, this development should be advantageous to supply teachers who, for a nominal annual fee, can avoid the need to obtain multiple Disclosure Certificates at a cost of £44 each. However, the NASUWT is aware that some employers and supply agencies appear unwilling to utilise this free and efficient service and therefore some of our supply teacher members are still experiencing difficulties. The NASUWT is campaigning for the Update Service to become mandatory for employers to carry out safeguarding checks, where an individual has chosen to subscribe to the service.

You can find out about subscribing to the Update Service online at www.gov.uk/dbs-update-service. The DBS website also provides a wealth of FAQs for applicants at www.gov.uk/government/publications/dbs-update-service-applicant-guide or telephone DBS on 0870 909 0811.

The NASUWT has sought to address some of the most frequently asked questions from our members below:

Questions

1. I already have a DBS Certificate but the employer said it was for a different school. Is my Certificate portable?

The police use a relevancy test when considering the release of non-conviction information about an individual on a DBS Enhanced Certificate. This is now based on the type of workforce and no longer the job role or specific workplace. If an individual subscribes to the Update Service, a DBS Certificate will be transferable from role to role in different workplaces, provided the work is within the same workforce, i.e. when moving between jobs that involve working with children, adults or both. Only Certificates issued after 17 June 2013 can be linked to the Update Service and this must be done within 14 days of the Certificate's issue date.

2. What is the benefit of subscribing to the Update Service?

The DBS Update Service is optional for employers as well as employees. However, there are clear benefits for supply agencies in using the Update Service, including:

- instant online checks of DBS Certificates;
- easy to incorporate into existing suitability decision-making processes;
- enhances safeguarding and reduces risk as the Status Check will be up-to-the-minute, whereas a hard copy Disclosure Certificate alone dates immediately;
- reduction in bureaucracy;
- no need to fill in the DBS application form (as the application for an enhanced DBS check must still come from a Registered Body, not the individual applicant);
- saves time and money for all parties.

The NASUWT is reminding employers that it was the intention of the Government that Disclosure Certificates became portable between posts within the same workforce and therefore they should be supportive of this initiative, which is at no cost to them and is

intended to help employers make safer recruiting decisions. There is comprehensive guidance available for employers on the DBS website as to how to use the service.

The NASUWT is continuing to make representations to the Government that utilising the Update Service should become mandatory for employers, if an individual has chosen to subscribe to the Update Service.

3. Do I have to subscribe to the Update Service?

No, you do not, as this is an optional service for employees as well as employers provided by the DBS. It is possible some employers may insist on it as a condition of employment, and in some circumstances it may be advisable for you to do so based on cost and ease of use.

4. How can I join up to the Update Service?

You can only subscribe to the Update Service using your existing DBS Certificate number if you applied for your DBS check on or after 17 June 2013 when the service launched. You must subscribe within 14 days of the date that the Certificate was issued. Otherwise, you can subscribe to the Update Service when you next apply for a DBS check, which will entail an additional cost of £44 for an Enhanced with barred list check, as well as the £13 annual subscription fee. The Disclosure Certificate will be automatically added to your subscription. Full details are available at www.gov.uk/dbs-update-service.

5. Do I have to produce a copy of the Disclosure Certificate if the employer can check my status online?

As part of the checking process, employers must have sight of the original DBS Certificate. This is to ensure that it is for the right workforce and of the right type and level that is needed, and that the employer is legally entitled to carry out a status check at that level, e.g. an Enhanced with an adult barred list check for the Adults Workforce. The employer can then record the DBS Certificate's 12-digit reference number and your name and date of birth. After this, they will go online and carry out a Status Check. The employer can keep a copy of the Disclosure Certificate, with the applicant's consent. Employers must apply the data protection provisions when keeping a copy of the certificate.

6. Why would I need more than one DBS Certificate if I sign up to the Update Service?

An employer or organisation may ask you to apply for another DBS check, if:

- the organisation has taken the decision not to use the Update Service for Status Checks;
- your DBS Certificate has been updated, is no longer current or has been removed from the Update Service;
- they need another level or type of DBS Certificate than the one you have. For example, you may have an Enhanced with an adult barred list check, not an Enhanced with a children's barred list check;
- the Enhanced DBS Certificate relates to another workforce.

7. How can I find out who has carried out a Status Check of my DBS Certificate?

You can see a full list of the organisations that have carried out a Status Check and how many checks they have done from your online account. An employer may wish to carry

out periodic Status Checks to ensure the DBS Certificate remains current. However, your consent is required and the DBS guidance states that the employer should always obtain consent before each check. If you no longer want an organisation to be able to check your status, you should contact them and withdraw your consent for any future checks. If they fail to stop, they would be breaking the law by accessing data they were not entitled to see. If they persist, you should contact the Information Commissioner's Office.

8. What information will an organisation see when they carry out a Status Check?

The organisation will receive one of the following results:

- This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.
- This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.
- The details entered do not match those held on our system. Please check and try again.

9. I am a trans applicant: will my identity be protected?

Your previous gender and identity should be protected unless you have given permission for your DBS Certificate to contain this information. Under the Gender Recognition Act 2004, it is an offence for a person who has acquired 'protected information' in an official capacity to disclose the information to any other person. There are certain circumstances where it is not an offence to disclose information obtained from a trans applicant. For example:

- (a) where the information does not enable the person to be identified;
- (b) where that person has agreed to the disclosure of the information;
- (c) where the person making the disclosure genuinely does not know or believe that a full gender recognition certificate has been issued;
- (d) where the disclosure is in accordance with an order of a court or tribunal;
- (e) where the disclosure is for the purpose of instituting proceedings before a court or tribunal;
- (f) where the disclosure is for the purpose of preventing or investigating a crime;
- (g) where the disclosure is made for the purposes of the social security system or a pension scheme.

For further advice and information, please visit the DBS Sensitive Application Team at sensitive@db.sgsi.gov.uk or call on 0151 676 1452.

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