

SHAW WOOD ACADEMY



DBS POLICY

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<u>Approved By Governors:</u>	<u>Signed By Chair:</u>	<u>Dated By Chair:</u>

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1 Introduction

- 1.1 This policy sets out the requirements for obtaining Disclosure and Barring Service (DBS) checks to enable us to access relevant information in order to protect children and vulnerable adults who wish to access the services provided by Shaw Wood Academy.
- 1.2 In this policy “**School**” means Shaw Wood, and “**Regulated Activity**” means the activities listed in the HM Government factual note on Regulated Activity in relation to Children which can be found at www.gov.uk.
- 1.3 Usually a job applicant has no legal obligation to reveal spent convictions and it is illegal for an employer to ask whether an applicant has any spent convictions. However certain areas of employment are exempt from this rule under the Rehabilitation of Offenders Act 1974 (Exceptions 1975) Order. This includes employment in a ‘Regulated Activity’ i.e. employment which involves contact with children or vulnerable adults. This exemption therefore applies to positions within Shaw Wood Academy. We use the DBS to undertake checks on the people who work or volunteer for us, as detailed in this policy.
- 1.4 There are three levels of DBS check; Standard, Enhanced and an Enhanced Check with List Checks Disclosure. A Standard DBS Disclosure contains details of spent and unspent convictions, cautions, reprimands and warnings held on the Police National Computer. Certain old and minor cautions and convictions may be removed from disclosure. An Enhanced Disclosure contains the details of the individual’s convictions (spent and unspent), cautions (spent and unspent), police reprimands and warnings as well as relevant police information. An Enhanced Disclosure with Barred List Checks (sometimes known as an enhanced check for regulated activity) contains the same information as the Enhanced Disclosure, but additionally information held on the barred lists. The DBS manages two barred lists; one list holds information on individuals who are unsuitable for working with children, the other on those who are unsuitable for working with vulnerable adults. Individuals placed on either list are not allowed to work with the relevant group. An individual can be on both lists.
- 1.5 Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Employer access online is a free service which can be used to check prohibition orders.
- 1.6 Since all of our trustees, governors, employees and volunteers have some involvement of working with children, young people or vulnerable adults, the vast majority of posts at Shaw Wood Academy have been assessed as requiring an Enhanced Check with Lists Checks Disclosure which, for the avoidance of doubt, shall include (but will not be limited to):
 - employees who work in one of our School
 - trustees
 - staff with access to school related documents
 - governors
 - other individuals where considered appropriate e.g. volunteers and consultants.

We also reserve the right to request that third party contractors who provide services or works at Shaw Wood undertake DBS checks on request and comply with all

reasonable instructions to our satisfaction with regard to safeguarding and recruitment of staff.

2 Policy statement

- 2.1 We are committed to ensuring, as far as possible, that the staff employed by Shaw Wood, in either a paid or unpaid capacity, pose no threat to children, young people or vulnerable adults.
- 2.2 All staff recruited to positions involving contact with children (under 18's) or vulnerable adults and to positions which give access to information about these individuals, will be required to complete an Enhanced DBS with Lists Check Disclosure check prior to initial appointment and as often as considered appropriate by school thereafter, as part of the conditions of their employment. Please see section 7 of this policy regarding the specific circumstances when a recheck would be required.
- 2.3 Any convictions disclosed will be considered fairly in line with Shaw Wood's Equality Policy, taking into account the nature and circumstances of the offence and its relevance to the post. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed and we are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 2.4 We undertake to comply fully with the relevant sections relating to pre-employment vetting and retention of recruitment records of the Employment Practices Code which is issued by the Information Commissioner and the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. We will also comply fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. We acknowledge that information about the commission, or alleged commission, of criminal offences is sensitive personal data for the purposes of the Data Protection Act.

3 Recruitment procedures

- 3.1 Where a DBS disclosure is required for the post, the job advertisement and job description should include a statement indicating that offers of employment will be made subject to a satisfactory Enhanced DBS check with Lists Check Disclosure.
- 3.2 Candidates will be asked to disclose any previous convictions on the application form. We will ask that this information is sent under separate, confidential cover, to a designated person within school and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 3.3 Failure to disclose a conviction or to provide truthful information which subsequently comes to our attention may lead to disciplinary action against the individual including dismissal. In addition, a failure to answer a question about previous convictions during the recruitment process will be a valid reason to withhold employment or to dismiss the individual.

- 3.4 Once an offer of employment has been accepted, the successful candidate will be asked to complete a DBS application form and to provide the necessary evidence for verification of identity (original certificates are required.)
- 3.5 The person verifying the application must complete their section of the form using the evidence of identification presented by candidates, taking care to ensure vigilance in checking these and accuracy in completion.
- 3.6 Once the identity check has been completed, the completed form will be sent to DBS for processing.
- 3.7 Where a recruitment agency is used, the School must ensure that the agency has carried out the appropriate checks on the individual before they start work.
- 3.8 As DBS certificates are issued to the individual on whom the check was carried out, (not directly to School), School will need to ask the applicant for sight of their DBS certificate. This information will be kept in line with the Data Protection Act, more information of which is within Appendix 1.
- 3.9 We reserve the right to include a continuing disclosure obligation in our employment contracts.
- 3.10 School is required to keep a single central register of recruitment and vetting checks in accordance with the Education (Independent School Standards) (England) Regulations 2010.

4 Start date

- 4.1 An Enhanced DBS check with Lists Disclosure should be sought immediately once an offer of employment is accepted, so that School can review the contents of the disclosure before the individual commences employment. Candidates should be encouraged to provide a copy of the Enhanced DBS certificate to the relevant contact at School as soon as possible in order to avoid delays with the recruitment process.
- 4.2 Where possible, the start date should be set to allow sufficient time for the return and clearance of the DBS disclosure. If it is not possible to delay the start date, or if there is any delay in receiving the disclosure, the successful candidate may start employment; subject to a satisfactory medical clearance and a second written reference, where at least one written reference has been received provided that the individual does not engage in a Regulated Activity. ***No unsupervised access to young people or vulnerable adults must be allowed prior to satisfactory disclosure.***
- 4.3 It is the responsibility of the Head to establish appropriate supervision arrangements and/or adjustment to the individual's duties until a satisfactory DBS check is received. If appropriate supervision arrangements cannot be put in place, the individual **must not** start work until the checks are received.
- 4.4 Two written employment references from previous employers are also required before appointment is confirmed.

5 What to do if a criminal record is revealed on a Disclosure

- 5.1 Past convictions will not necessarily be a bar to obtaining a position. Consideration must be given to the nature and circumstances of the offence and its relevance to the post applied for and the school will carry out a risk assessment which is relevant to

the position and situation. Where there is a potential concern the counter signatory will advise the line manager to request that the employee/candidate bring a copy of their disclosure to a meeting with the relevant line manager to discuss the concern.. Any matters revealed by disclosure that will affect a recruitment decision will be discussed with the employee/candidate prior to a decision being made.

- 5.2 Under the Rehabilitations of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013, certain protected convictions and cautions will not be required to be disclosed in a DBS and School will not be entitled to ask questions about them or to rely on them to refuse employment or dismiss an employee. This includes, for example:
- a. a conviction received by a person aged under 18 at the time of the offence resulting in a non-custodial sentence after five and a half years has lapsed (unless it related to an offence specified as never being eligible for filtering); and
 - b. a caution administered to a person aged under 18 at the time of the offence after two years has lapsed (unless it related to an offence specified as never being eligible for filtering).
- 5.3 Shaw Wood will notify the DBS if it dismisses a person for harming a child or putting a child at risk of harm (or if it would have dismissed that person had the person not left their employment) as it is a criminal offence not to do so.

6 DBS Update Service

- 6.1 The DBS update service allows applicants to keep their DBS certificates up to date online and to take it with them from role to role if the applicant pays an online fee. It also allows employers to check a certificate online. There is currently no registration process or fee for employers to check a certificate online, but employers:
- a. must be legally entitled to carry out a check
 - b. have the worker's written permission.

Shaw Wood reserves the right to use the DBS update service to check that an individual's DBS check is still current, subject to the requirements above.

7 Rechecks

- 7.1 No further checks are required for any staff unless the person has a break in service of more than three months. Please note that extended sickness or maternity leave does not constitute a break of service. However, Shaw Wood may request an enhanced DBS check with barred list information should there be concerns and bearing in mind the duty schools are under not to allow a barred person to work in regulated activity.

8 Single Central Record

- 8.1 All schools are required to keep a fully up-to-date Single Central Record containing whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:
- an identity check
 - a barred list check
 - an enhanced DBS check
 - a prohibition from teaching check

- further checks on people living or working outside the United Kingdom (UK)
- a check of professional qualifications
- a check to establish the person's right to work in the UK.

9 Monitoring, Evaluation and Review

9.1 This policy will be reviewed every two years.

Appendix 1: Secure storage, handling, use, retention and disposal of disclosure and disclosure information

As a Trust using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Shaw Wood complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. This appendix is subject to Shaw Woods' obligations to keep a single central register of recruitment and vetting checks in accordance with the Education (Independent School Standards) (England) Regulations 2010.

Storage and Access

Any Disclosure information will be kept securely in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. It is recognised that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

School may retain the disclosure until the next Ofsted inspection and then ensure it is destroyed in accordance with the Code of Practice.

Disposal

Once the retention period has elapsed, which is a maximum of six months, Disclosure information will be immediately destroyed by secure means. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). Photocopies or any other copy or representation of the contents of a Disclosure will not be kept.

However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment or other relevant decision has been made, Disclosure information is not kept for any longer than is absolutely necessary. This is generally for a period of up to six months unless a dispute is raised, to allow for the consideration and resolution of any appeal or complaint. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the DBS will be consulted about this and full consideration will be given to the Data Protection Act and the human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.