



DBS POLICY 2022 – 2023

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DBS Policy

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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 who attend the Greensands Federation.
- 1.2 In this policy “**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 Greensand Federation. 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 governors, employees and volunteers have some involvement of working with children, young people or vulnerable adults, the vast majority of posts within Greensand Federation 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 our School
 - 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 Greensand Federation 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 Greensand Federation, 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 Greensand Federation 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 the Greensand Federation'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 dependents, 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. Greensand Federation will also comply fully with its obligations under the Data Protection Act 1998 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 1998.
- 2.5 A trained Safeguarding Officer will be appointed at the Greensand Federation and also at each local governing committee.

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 The following statement is made on the application form:

'The amendments to the Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Further guidance can be found from [GOV.UK](https://www.gov.uk) about whether a conviction or caution should be disclosed.

A safeguarding requirement for the school when recruiting is to ensure we appoint those who are suitable to work with children. If you are shortlisted for interview you will be asked to declare on a Criminal Record Self Declaration Form that will be sent to you on being shortlisted whether you have convictions that are not protected. It is therefore important that you understand what you would need to declare and it is recommended that you review the above guidance.'

Criminal Record Self Declaration forms (Appendix 2) are sent to candidates with the letter inviting them to attend an interview and should be returned to the HR & Operations Manager the day before the interview, 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 online 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 online 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 virtually sent for processing via the Bedford Borough Council online platform.
- 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 Greensand Federation), the School, will need to ask the applicant for sight of their DBS certificate.
- 3.9 We reserve the right to include a continuing disclosure obligation in our employment contracts.
- 3.10 The Greensand Federation and all of its schools are 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 the Federation can review the contents of the disclosure before the individual commences employment. Candidates should be encouraged to come into school with the original Enhanced DBS certificate for checking to the relevant contact at the 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 Executive Principal to establish appropriate supervision arrangements and/or an 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 by Greensand Federation.
- 4.4 Names of two referees who can provide professional or educational references (not character). The first must be from your present or last employer/voluntary organisation, if applicable.

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 Greensand Federation will carry out a risk assessment which is relevant to the position and situation and seek advice from their HR Provider (currently Bedford Borough Council). Where there is a potential concern the Executive Principal will request that the employee/candidate bring a copy of their disclosure to a meeting with them to discuss the concern. The Executive Principal must notify the Chair of Governors (safeguarding Governors) of any convictions revealed by the checks, and they will decide whether the individual should be appointed, taking into account views of the Executive Principal and HR Provider. 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 Greensand Federation 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 The Greensand Federation 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.

The Greensand Federation reserves the right to use the DBS update service via Bedford Borough Council 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, the Greensand Federation 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 The Greensand Federation is 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 (part of DBS with lists)
 - 2 x references
 - 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.
 - Staff that work with children under 8 years old are required to complete a suitability declaration (Appendix 3) this applies to all staff at Moggerhaner Primary School and staff at Sandy Secondary who work with the children at Moggerhanger Primary.

10. Monitoring, Evaluation and Review

- 10.1 This policy will be reviewed by The Greensand Federation every year.

APPENDIX 1

Central Bedfordshire Council Disclosing and Barring Service (DBS) Policy 210203 V 2.6 for School Based Employees - Appendix 4

Important information for all applicants

Disclosure of Criminal Records

The Police Act 1997 (Criminal Records) Regulations, requires that those applying to work with children or adults at risk should be subject to a check by the Disclosure & Barring Service (DBS) to ensure that they are suitable for such work. All posts in schools are covered by this requirement.

If you are shortlisted for a post in a school, you will be required to complete a Disclosure which will be submitted to the DBS. The type of criminal record certificate applied for will depend on the actual post offered and the degree of contact which you would have with children. However, for the purposes of both Standard and Enhanced Disclosure, which are applicable for staff in schools, all previous convictions, cautions, reprimands and warnings recorded will be disclosed other than those that have been filtered in line with legislation.

Having a criminal record will not necessarily bar you from employment. Decisions about the employment of someone with a criminal record will take account of the relevance of the offence to the post in question, the length of time since it occurred and the circumstances surrounding it. If you do have any previous convictions you may wish to discuss these, confidentially, with the Headteacher prior to submitting a Disclosure application. The outcome of all Disclosure applications will be sent in writing to the applicant.

In order that the DBS can be sure that they are checking the record of the right person, applicants will be asked to provide proof of identity. The documents that the applicant will need to supply will depend on the route the application takes. Full information in relation to these routes can be found here:

<https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>.

It is recognised that not everyone will be able to provide these items so other forms of proof of identity will be accepted. If shortlisted for the post, you will be asked to provide proof of your identity.

The DBS requires that all bodies registered for Disclosure purposes adhere to their Code of Practice and establish their own policies on fair use and confidential handling of information disclosed, as well as having a written policy on the recruitment of ex-offenders. Schools that use alternative DBS providers should ensure that the provider has an appropriate Code of Practice in place for the processing of DBS applications.

If you have any queries regarding the DBS process, please contact your individual HR Provider or your DBS umbrella body.

Criminal Record Self Declaration Form

For completion by the candidate

Central Bedfordshire Council/Sandy Secondary School is committed to safeguarding and promoting the welfare of children and adults at risk. The role you are applying for involves frequent or regular contact with or responsibility for children or adults at risk. This post is therefore exempt from the Rehabilitation of Offenders Act 1974.

We comply with the Disclosure and Barring Service (DBS) Code of Practice and have a written policy on the recruitment of ex-offenders which is available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children and/or adults at risk. As a result of amendments to the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers are not able to take these into account.

Please ensure that you refer to the Ministry of Justice website which will give more details on what should/should not be disclosed.

<https://www.gov.uk/government/publications/dbs-filtering-guidance>

All information you provide will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. You have a right of access to information held on you under the General Data Protection Act.

You will be required to have a valid DBS (Disclosure and Barring Service) certificate, which will provide details of criminal convictions.

This may also include a barred list check depending on the nature of the role. If you do not already have these as part of your existing employment, the respective HR provider for the school will undertake these checks for the successful candidate before a final confirmation of employment is offered.

For Question 3 and 4 below applicants should answer the relevant question(s) relating to the workforce they are applying for.

This form will only be looked at for those candidates who are shortlisted for a role in the Council/School.

Job Title:

Job Reference Number:

First Name(s):

Last Name:

Previous Names (if any):

Date of Birth:

1. Do you have any adult cautions (simple or conditional), or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974

(Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?

If yes, please give details below:

Yes

No

2. Do you have any other cautions or convictions that would not be filtered?

If yes, please give details below:

Yes

No

3. Are you currently subject to any sanction or have you at any time been barred or suspended from working with children, by any regulatory, professional or government body.

Yes

No

4. Are you currently subject to any sanction or have you at any time been barred or suspended from working with vulnerable adults, by any regulatory, professional or government body.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. If you have lived or worked outside of the UK for 3 months or more in the last 5 years, please give details here.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Are you subject to any sanction in relation to working with children and/or adults at risk in any country outside the UK? If yes, please give details below.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you have answered 'yes' to any of the questions 1 to 6 above, you are required to give details on this form and will be asked to discuss these at interview.

I declare that to the best of my knowledge and belief, the information I have provided on this declaration form is correct. I understand that any subsequent offer of employment will be based on this information and may be withdrawn, or I may be dismissed, if I have falsified or deliberately omitted any relevant information.

Print Name: Date: Signature:

To be returned by: (insert date)

Please email this form to cjones@sandysecondaryschool.com entitled '**Self Disclosure Form**' on the title heading.

APPENDIX 3

Staff Suitability Declaration

It is all employees' responsibility to safeguard children. You must therefore provide notification should you receive any convictions, cautions, court orders, reprimands or warnings since the date of your last DBS clearance with the school or since joining the school whichever is later. You must also inform the school of any changes to your health that may impact upon your ability to work with children or any changes to your own circumstances that we should be aware of.

New Employees Only

Do you have any criminal convictions, cautions, court orders, reprimands or warnings? (Please read Appendix A before answering this question)	YES/NO
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All staff

Have you received any criminal convictions, cautions, court orders, reprimands or warnings since your last declaration to the school?	YES/NO
Do you have any health concerns that may affect your ability to work with children?	YES/NO
Have your own children been taken into care?	YES/NO
Have/are your own children the subject of a child protection order?	YES/NO

If you have answered **YES** to the above, please provide further information below (you may provide an additional information sheet if necessary):

.....
.....
.....
.....
.....
.....

Declaration

I confirm that the information I have declared above is correct and understand that I have duty to inform the Head of School should any of this information change at any time during my employment with the school.

Name (in capitals):

Signed:

Date:

Appendix A (to be read by all new employees)

A check as to the existence and content of any relevant criminal record will be requested from the Disclosure and Barring Service after a person has been selected for appointment. Refusal to agree to a check being made could disqualify you from being considered for the appointment.

Under the Rehabilitation of Offenders Act 1974, you have the right not to disclose details of 'spent' convictions. However, for certain jobs, employers are allowed to ask about these offences. The Rehabilitation of Offenders Act 1974 (Exception Amendment) Order 1986 sets out details of all jobs to which this applies and the job you have applied for is included in the list. *The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account.*

FILTERING OF CAUTIONS AND CONVICTIONS

The filtering rules (which remove certain old and minor convictions and cautions, reprimands and warnings from a DBS Certificate) were developed by the Home Office and the Ministry of Justice and introduced with new legislation:

The legislation is:

- Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

The Filtering Rules

For those 18 or over at the time of the offence:

An adult **conviction** will be removed from a DBS Certificate if,

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the range of offences which will never be removed from a certificate, which include serious sexual and violent offences. (*See Exceptions to the Rules*). If a person has more than one offence, then details of all their convictions will always be included.

An adult **caution** will be removed after six years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

For convictions, the same rules apply as for adult convictions, except that the elapsed time period is five and a half years.

For cautions, the same rules apply as for adult cautions, except that the elapsed time period is two years.

Exceptions to the Rules

Some offences will never be removed from a DBS Certificate. These include the most serious sexual and violent offences. You can view this specified list of offences at:-

www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check

Further information is also available from:-

www.gov.uk/government/organisations/disclosure-and-barring-service

If you are unable to access the internet, please contact the school who will be able to send this information to you direct.

You must provide details of any relevant criminal convictions that you may have. The disclosure of a criminal record may not necessarily prevent you from being appointed. The nature of the offence, how long ago it took place, your age at the time and any other relevant factors may be considered when a decision is made. Please note that some convictions are never considered 'spent' under the terms of the Act.