



Idsall Disclosure and Barring Policy

Sponsorship and Review

1. Sponsor

Mrs V Hulme, Business Manager

2. Written and Approved

January 2017, reviewed Jan 2019

3. Next Review Date

January 2022



DISCLOSURE AND BARRING SERVICE (DBS) POLICY

POLICY STATEMENT

The safety of children and young people is paramount, and Idsall School is committed to implementing the Disclosure and Barring (DBS) procedures and arrangements. We will comply with the DBS Code of Practice, GDPR, Keeping Children Safe in Education and National Care Standards guidance regarding the correct handling, use, storage, retention and disposal of Certificates.

The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The DBS and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS) in December 2012.

The DBS Code of Practice requires the school to have a written policy and procedure on the recruitment of people with a criminal record¹ and to ensure anyone applying for a job at the school receives a copy. The school is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavour to prevent unfair discrimination against those with a criminal record.

PROCEDURE

There are two different levels of Certificate:

Standard Certificates contain details of all convictions on record (including spent convictions) plus details of any cautions, reprimands or warnings. Information obtained on the government lists is of people considered unsuitable to work, or to gain access to sensitive information relating to children/young people.

Enhanced Certificates involve an extra level of check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate. The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced Certificate.

Recruitment of staff

All recruitment adverts will state that an enhanced DBS is required for the position advertised.

Job applicants will be asked to state any convictions on their application form. Those invited to attend an interview will be advised in writing that relevant criminal convictions will be discussed at the interview in order to assess job-related risks. Applicants are encouraged to submit written details, dates and any other relevant information, in confidence, to the Business Manager, who will ensure the security of this sensitive information.

To speed up the recruitment process, applicants invited to attend an interview will be asked to bring the relevant ID with them to be verified by the Business Manager, and the successful candidate will be asked to complete the online DBS application form. In line with our privacy notice, unsuccessful candidates' ID documents will be shredded and successful candidates' ID will be retained in a locked file to comply with right to work in the UK checks.

The school will apply for an enhanced DBS Certificate only for applicants offered a position. The information obtained will be used to help establish whether that person has a background that might make him/her unsuitable for the job or voluntary position in question. Idsall School will not apply to the DBS Certificate to run a check without the knowledge and consent of the person concerned.

If a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the Business Manager to discuss the conviction(s) and circumstances. Having a criminal record will not necessarily bar applicants from working at the school. This will depend on the nature, circumstances and background of the offence, and the time elapsed since the offence. However, failure to reveal information directly relevant to the position sought could lead to the withdrawal of any offer of employment.

Check on staff recruited from abroad

If an applicant has lived outside the UK in the last five years, an overseas DBS must be sought where possible. Those staff who have not previously lived in the UK will not have a criminal record in this country, nor will he/she appear on List 99 or the Protection of Children's Act List. The school will comply with the National Minimum Standards for Schools recommendations for the recruitment of staff from overseas.

Renewal of DBS Certificates

The DBS Certificate does not recommend a specific renewal interval for DBS checks. However, following the National Care Standards' recommendation, it is the school's policy to renew all DBS Certificate every five years.

Beginning Work Prior to DBS Clearance

Offers of employment should not be confirmed for posts needing disclosures, and individuals must not be allowed to start work, unless a satisfactory DBS disclosure has been obtained.

In exceptional circumstances, it may be possible for the school to undertake a [risk assessment](#) prior to the receipt of a DBS clearance; this must be signed off by the Headteacher and Business Manager and advice sought from the school's HR advisor.

DBS Portability

Portability refers to the re-use of a DBS Disclosure, obtained for a position in one organisation and later used for a different position or in a new organisation.

The introduction of the DBS update service has meant that instead of a new criminal records/Barred Lists check being necessary whenever an individual applies for a new paid or voluntary role working with children, individuals can opt to subscribe to the online

Update Service. This will allow them to keep their criminal record certificate up to date, so that they can take it with them from role to role, within the same workforce. Idsall accepts DBS update service checks subject to completion of full ID checks.

Employers do not need to register, but can carry out free, instant, online status checks of a registered individual's status. A new DBS check will only be necessary if the status check indicates a change in the individual's status (because new information has been added). A DBS disclosure only contains information from a DBS check on a certain date and for a particular purpose. Employers can accept a previously issued certificate but must:

- Check the applicant's identity matches the details on the certificate.
- Check the certificate is of the right level and type for the role applied for
- Check to see if anything has changed since the certificate was Issued

The DBS states that it is the employer's decision whether or not they accept previously issued DBS checks and Idsall will usually accept a DBS completed by SCC provided a break in employment does not exceed three months and the certificate is issued in the last three years.

Storage and access

DBS Certificate information will be kept in a locked cabinet with access strictly limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Certificate information is used only 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, we retain DBS Certificate information generally for a period of up to six months. This is to allow time to consider and resolve any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep the information for longer, we will consult the DBS, taking data protection and human rights issues into consideration.

Disposal

Once the retention period has elapsed, any Certificate information will be destroyed by secure means, i.e. by shredding or burning. We will not keep a copy of the Certificate or record its contents. We may, however, 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 it was requested, the unique reference number of the Certificate and the details of the recruitment decision taken.

¹ A criminal record is a record of a person's convictions, whether spent or unspent, under the Rehabilitation of Offenders Act 1974, cautions, reprimands, final warnings and other non-conviction information such as acquittals.

¹ A criminal conviction is a finding of guilty by a criminal court. Criminal convictions form part of the criminal record.

¹ Spent convictions happened some time ago and normally no longer need to be revealed. The Rehabilitation of Offenders Act 1974 gives people with criminal records the right not to disclose them after a rehabilitation period. However, there are exemptions and Idsall School has the right to ask employees and those offered employment for such information.

¹ A List 99 check is a DfES list of people who are banned from working with children.

February 2015 (VH) reviewed January 2019

APPENDIX A

FREQUENTLY ASKED QUESTIONS

1. How long does it take to receive my DBS Certificate?

We will send you an application form to complete; meet you to check your form and verify your identity. On average the process can take 1-2 weeks (but may take longer if you have lived at various addresses).

2. What do I receive from the DBS?

You will receive a certificate from the DBS stating whether or not you have a police record and, where appropriate, will confirm that your details have been checked against the list of those banned from working with vulnerable adults or children. In order for the school to verify the DBS certificate, you must contact the Business Manager for her to take a copy.

3. Is my DBS certificate portable?

Yes, if you register with the DBS update service. Further details can be found at <https://www.gov.uk/dbs-update-service>

4. What happens if I have a previous conviction(s)?

Having a criminal record will not necessarily stop you from working at Idsall School. This will depend on the nature of your work, the circumstances and background of the offence(s) and the time elapsed.

5. What happens if I have a criminal conviction during employment?

It is important, if you have a criminal conviction, that you disclose this information either to the Business Manager or the Headteacher as soon as possible. You will be asked to attend an interview to explain the background and circumstances regarding the conviction. Failure to reveal information directly relevant your role may lead to disciplinary action.

6. Who will know about my criminal record?

If a criminal record is revealed through a DBS check, the Business Manager and Headteacher will know the details of the convictions, and any agencies with which the school is obliged to share that information (i.e. if you have applied to work with children when banned from doing so).

7. The information on my Certificate is wrong – what can I do?

If you think that any information contained on your Certificate is wrong, please contact the DBS Certificate Dispute line on 0870 9090 778 who will advise on their dispute procedures.

8. Can I refuse to apply for a Certificate?

It is compulsory to check your details against the list of people banned from working with children. Idsall School is obliged to insist on DBS Certificate from applicants and members of staff.

9. How long are Certificates valid?

A Certificate carries no period of validity. The information it contains reflects the position at the date of its issue. The closer this date, the more reliance can be placed on its content.