

# Priestley Primary School

## Safer Recruitment Policy

Reviewed Spring 2018



### Philosophy

‘Experience over many years shows the importance of organisation that provide services to children incorporating measures that help deter, reject or identify people who might abuse children, or are otherwise unsuited to work with them, in the organisation’s recruitment and selection procedures. Making safeguarding and promoting the welfare of children an integral part of HR management in organisations that work with children is an essential part of creating safe environments.’

National College for School Leadership

### Principles

The safer recruitment initiative is an essential part of the Every Child Matters agenda, allowing the school’s Leadership Team to:

- Identify the key features of staff recruitment that help deter or prevent the appointment of unsuitable people;
- Consider policies and practices that minimise opportunities for abuse or ensure its prompt reporting;
- Help us to review our policies and practices with a view to making them safer.

The latest government guidance emphasises that all organisations that work with children share a commitment to safeguard and promote their welfare and that all organisations that provide services or work with children should:

- have a Leadership Team that is committed to children’s well-being and safety;
- be clear about people’s responsibilities to safeguard and promote children’s welfare;
- have effective recruitment and human resources procedures, including checking all new staff and volunteers to make sure they are safe to work with young people;
- have procedures for dealing with allegations of abuse against members of staff and volunteers;
- make sure staff get training that helps them do their job well;
- have procedures about how to safeguard and promote the welfare of young people.

### Procedures

Priestley Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

#### Planning and Advertising

Priestley Primary School will ensure that:

- All recruitment exercises will be carefully planned.
- That the qualities, qualifications and experiences needed for each post will be carefully determined at the beginning of the recruitment process.
- Responsibilities for each recruitment exercise will be allocated to a specific individual within the leadership team.
- Sufficient time will be allocated to the process so that safeguards are not overlooked.

The recruitment pack will contain the following:

- The application form and explanatory note.
- Job description.
- Information on the school.
- Guidance for the candidates.
- The degree of responsibility for children (including applications for support staff).
- A statement about the school’s commitment to safeguarding and promoting the welfare of children including the need for enhanced DBS with Barring checks.

- Details of qualifications required.
- Child Protection Policy Statement.
- Statement of terms and conditions relating to the post.

### **The Application Form**

- All applicants MUST complete the official application form.
- CV's will NOT be accepted in place of the application form.
- All applicants will be expected to provide the following through the application process. Full details of names, former names, date of birth, current address, NI number and evidence of relevant academic/vocational qualifications.
- All applicants will need to provide a FULL history, in chronological order of education and employment.
- Declaration of interest.
- Details of referees.
- One referee MUST be current employer.
- Statement that the post is exempt from the Rehabilitation of Offenders Act 1974.
- A signed statement that the applicant is not on List 99 or is subject to sanctions imposed by the General Teaching Council
- Have no convictions or cautions. (If they do, details should be included in a sealed envelope).

All applicants for a teaching post must provide details of:

- DFES reference number.
- QTS status
- Registration with the GTC

### **Job Descriptions**

Job Descriptions will clearly state:

- The main duties and responsibilities of the post.
- The individual's responsibilities for promoting and safeguarding the welfare of children.

### **Person Specification**

The Person Specification will clearly state:

- Qualifications and experiences needed.
- Competence required.
- Qualities for a successful candidate.

### **Short Listing**

- All applications will be scrutinised.
- Incomplete application forms will not be included.
- Any gaps or repeated changes in employment will be investigated.
- All candidates will be assessed equally.
- Short Listing will be a transparent process.

### **References**

- All references will be sought directly from the referee.
- No open references or testimonials will be accepted. Any received will be destroyed.
- Reference will be sought for ALL internal applicants and followed up by a phone call.
- Candidates unwilling to agree to references from current employers will not usually be interviewed.
- No candidate successful at interview will be appointed unless satisfactory references have been received.

In the event that a reference appears vague or is incomplete then the Headteacher will contact the referee for confirmation of details. A written note of the conversation will be made and in certain cases a written confirmation will be requested from the referee.

### **Invitation to Interview**

Candidate will be provided with:

- Letter of confirmation of interview.
- Details of the interview day including details of interview panel members.
- Details of any tasks needed as part of the process.
- The opportunity to discuss the process further prior to interview.

Candidates will be asked to bring the following with them to interview:

- Current driving licence and passport
- Full Birth Certificate.
- Utility Bills (2 from the following Bank Statement, Credit Statement, Mortgage/Insurance Statement, Council Tax Statement). All must be dated within previous 3 months.
- All original examination certificates.
- Where appropriate, change of name documentation (marriage certificate)
- Form P45/P60 (including NI Number)
- Only in exceptional circumstances will the interview panel contain just the Headteacher. Good practice at Priestley Primary School would constitute an interview panel of at least three people.
- At least one member of the team planning and interviewing candidates will have completed the safer recruitment training provided by the NCSL.
- At least one member of the interview panel should be a governor of the school.

### **The Interview Panel**

The interview panel should comprise of:

- Ideally at least three people, no less than two.
- At least one member of the team planning and interviewing candidates will have completed the safer recruitment training provided by the NCSL.
- At least one member of the interview panel should be a governor of the school. When interviewing senior teaching staff, at least one governor must be present.

### **The Interview**

The panel will meet prior to the interview to consider:

- Issues to explore with the candidate and who will lead that element of the questioning.
- Agree the assessment criteria.
- Take the opportunity to review application forms and references.
- During the interview there will be set questions although supplementary questions can be asked by any member of the panel. The panel will assess the stability of candidates for the post with special reference to working with children and young people, and safeguarding children in their care.

### **Conditional Offer Of Appointment**

An offer of appointment will be subject to:

- Receipt of at least two satisfactory references.
- Verification of identity.
- Medical fitness.
- Verification of qualifications.
- Verification of professional status.
- Verification of successful completion of probationary year post May 1999.
- DBS with Barring clearance - refer to schools Disclosure & Barring Appendix.

### **Decision To Withdraw Offer Of Appointment**

In the event of any of the following the offer of employment will be withdrawn. In certain circumstances the Local Authority and Police may be informed.

- Candidate found to be on the PoCA (Proceeds of Crime Act)
- Disqualified from working with children, usually due to DBS/Barring clearance. In which case the school will inform the ISA of the application - refer to schools Disclosure & Barring Appendix.
- Candidate has provided false information.

### **Post Appointment Induction**

All successful candidates will undergo a period of induction and monitoring. This will include:

- The appointment of an induction mentor.
- An induction pack.
- Pre appointment visit to the school.
- Pre appointment meeting with the Headteacher.

## **Performance**

The appointment procedure will be monitored through the collation of all necessary documentation stored in staff files kept in secure locked filing cabinets – refer to school's Secure Data Handling Policy.

**To be reviewed Spring 2019**

# Priestley Primary School

## Disclosure & Barring Check Appendix

Reviewed Spring 2018



### Principles

This policy applies to all prospective employees of Wiltshire Council schools with a delegated budget and other individuals who may provide a service on behalf of the council, e.g. volunteers, or its constituent bodies.

Priestley Primary School is committed to promoting the safety and wellbeing of all its service users, particularly those who would be incapable of protecting themselves from physical or sexual abuse, financial exploitation, or where there is a potential danger that their will or moral wellbeing may be subverted or overpowered (Section 115 (4)(a) Police Act 1997).

The council is committed to equality of opportunity and unlawful discrimination of any kind will not be tolerated, including against ex-offenders where this cannot be justified by the nature of the offence or the work which would be done by the subject of the disclosure.

### Procedures

Where an applicant already holds a CRB disclosure or a DBS check and they are moving from another organisation or authority to Wiltshire, it may be necessary to request a new DBS check. If an applicant is a current employee of Wiltshire Council, and has been DBS checked, and moves from one job/post straight to another which is a role identified as regulated activity, the recruiting manager will need to obtain a new DBS check if the employee is moving from one 'workforce' to another i.e. from Childrens Services to Adult Services or vice versa. If the employee will be moving within the same workforce, the DBS check will be portable to the new role.

Applicants for DBS checks will now be able to apply for checks online through the DBS online checking service. A fee of £13 is payable by the applicant to join. If there are no updates to a previous DBS check, then as long as the applicant is moving from one workforce to another, a new DBS check will not be needed. If someone is moving between workforces, a new DBS check will be needed. If an applicant is a current employee and moving from a job where a DBS check is not required into one where it is a requirement, they may not take up the new role until satisfactory clearances have been obtained.

From June 2013, the DBS check will now be returned directly to the applicant and the recruiting manager will need to obtain a copy of the check, if there is new information appearing on it, or information which needs to be checked such as a new caution or a conviction. **The head teacher will need to act upon such new information.**

The Council has identified a number of activities and posts where an individual would have access to vulnerable service users or to personal confidential information. Any applicant for such a post is therefore required to agree to an Enhanced DBS check with a barred list check, being sought from the Disclosure and Barring Service (DBS). The Check will include a search of the Police National Computer (PNC), and the databases held by the Department of Health (DoH) and Department for Education (DFE).

The disclosure provided by the Disclosure and Barring Service will include certain criminal convictions, cautions, warnings and reprimands. Applicants may be required to declare such matters as the relevant posts are exempt from the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act (Amendment) 1977. Certain convictions, cautions and warnings will no longer show up on a DBS check.

There are some offences which may result in a person being subject to a Disqualification Order (DO). It is an offence for such a person to apply for a post, that is restricted under the (DO) and Wiltshire Council will report any such applicant to the Police. Any person convicted of an offence under Schedule 1 of the Children and Young Persons Act 1933 (as amended by subsequent legislation) will not be eligible to apply for a restricted post.

The following principles will apply to the consideration of past convictions:

- An applicant is required to be completely honest in disclosing any convictions throughout their entire life, from the age of criminal responsibility (10 years).

- In terms of restricted posts, no convictions will ever be considered 'spent' and must be declared.
- Applicants should be aware that if they have accepted a Caution, Warning or Reprimand from a police officer, then they have admitted their part in an offence. Some cautions and reprimands will no longer be included on a DBS check.
- Cautions, Warnings and Reprimands are therefore to be declared if identified as those being ones which will appear on a DBS check
- As part of Wiltshire Council's commitment to the rehabilitation of offenders, there are many offences which may not disqualify an applicant where:
  - ❖ the convictions are of a less serious nature; and/or
  - ❖ were committed some time ago; and/or
  - ❖ were committed when the applicant was a juvenile/young person; and/or
  - ❖ there were extenuating circumstances; and/or there have been no further offences
- In some cases, consideration of offences will take specific account of the post applied for.
- Applicants are required to disclose all offences and failure to do so may unfavourably affect consideration of an applicant's suitability to work with vulnerable people, or in a post dealing with personal confidential information.
- Those employees who hold a post/s requiring DBS checks will be subject to DBS rechecking.

In order to carry out thorough checks, the school needs to know any names, name changes, or aliases that an applicant may have been known by in the past, for example maiden names, assumed name of step parent, change of name by deed poll etc. Sight of an applicant's birth certificate will be required and if there has been a change of name, sight of documentation to support each change including dates of change. This information is also required as part of the recruitment procedure to meet with our obligations for the Asylum Act 2002.

Any information provided by the DBS will be securely stored and handled and the content will be confidential to the staff authorised to fulfil this role – see the school's Policy on the Secure Data Handling. However, where matters of legitimate concern are revealed, the Council reserves the right to advise other relevant organisations, having a statutory or other legitimate interest, as to the suitability of certain applicants for restricted posts. The Council will abide by the DBS code of practise including the opportunity for applicants to appeal to the DBS about the information provided.

It is a condition of service that if a post requires DBS check, POCVA (Protection of Children and Vulnerable Adults) checks, or re-checks, candidates/employees will be required to complete the necessary forms and agree to checks being carried out whilst they remain in post. Failure to comply with this requirement may result in disciplinary action being taken and could lead to termination of the contract or in the case of external candidates offer of employment being withdrawn.

### **Internal Guidance Notes for Disclosure and Barring Service (DBS) Checks**

A Guide for managers that provides an outline of the legal context and practical application of the policy for DBS checks further advice and support is available through the HR Recruitment team.

#### **1. Supporting Documents**

- Disclosure and Barring Service guidance
- Definition of a vulnerable person, Section 115(4) (a) Police Act 1997
- Department of Health Guidance – POCVA Protection of Children and Vulnerable Adults 2005
- Safeguarding Children: Safer Recruitment and Selection in Education Settings Department for Education and Skills DfES June 05
- Child Protection: Preventing Unsuitable People from Working with Children and Young People in the Education Service. DfES May 02
- Child Protection: Procedures for Barring or Restricting People Working with Children in Education (DFE) Revised Sept 05 (this contains the list of offences leading to automatic barring, also gives guidance on the kinds of behaviour or medical conditions likely to lead to barring, and by extension which would indicate the need for extreme caution in initial appointment).
- Statement of Policy on Disclosure and Barring Service Checks
- Wiltshire Council Policy on Rehabilitation of Offenders

## **2. Definition of a Vulnerable Person**

Reference the Protection of Freedoms Act 2012

A vulnerable adult will be aged 18 years or over.

An adult may be considered to be vulnerable at the time they require certain services provided to them if they:

- are in accommodation and require nursing or personal care in a care home; or
- receive personal care in their own home through a domiciliary care agency; or
- receive health care services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body; or
- are as an expectant or nursing mother living in residential care;
- are receiving direct payments from the council in lieu of social care services;
- receive services provided in an establishment catering for a person with learning difficulties.

and in consequence of any one, or any combination, of the following factors:

- a substantial learning or physical disability; or
- a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
- a substantial reduction in physical or mental capacity due to advanced age; they are substantially dependent upon others in performing basic physical functions, or their ability to communicate with those providing services or to communicate with others is severely impaired, and, as a result, they would be incapable of protecting themselves from assault or other physical or mental abuse, or there is a potential danger that their will or moral well-being may be subverted or over powered.

## **3. Posts working with children**

Reference the Protection of Freedoms Act 2012.

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed).

- made under section 218 of the Education Reform Act 1988.

Regulated activity relating to children is defined as work that a barred person must not do. It is as follows:

Category 1:

- Teaching, training, instructing, caring for or supervising children in an unsupervised capacity;
- Providing advice/guidance on well-being to children in an unsupervised capacity;
- Driving a vehicle for children only in an unsupervised capacity;
- Work for a limited range of establishments (specified places) with opportunity for contact;
- It is work that is done on a 'regular' basis i.e. one or more times a week or on 4 or more days in a 30-day period.

Category 2:

- Relevant personal care e.g. washing or dressing a child; or healthcare by or supervised by a professional, even if done only once
- Registered childminding
- Foster carers.

A DBS check is not required in respect of the activities in categories 1 and 2 if the person undertaking these activities:

- is supervised at a reasonable level;
- is providing treatment or therapy (instead of 'health care').
- Is a supervised volunteer – supervised at a reasonable level
- Is carrying out occasional or temporary services e.g. window cleaners.
- Is an office holder e.g. governors

At the start of the recruitment process the recruiting manager should consider if the post requires a DBS check.

If a positive disclosure is received from the DBS a number of factors will need to be considered in conjunction with an HR adviser before a decision is made about the applicant's appointment and can be confirmed or rejected. These factors are listed below.

## **4. Factors to be considered:**

- Nature of the job
- Nature of the offence
- Number and/or pattern of offences

- Age of the individual at the time of the offence(s)
- Penalty imposed at the time of the offence(s)
- Time lapse since offence(s)
- Service since the offence(s)
- Was the offence declared?
- Applicants offering explanations for offences
- Any clearances or barring from other sources

#### **5. Nature of the job**

The range of posts covered by the DBS check requirements is detailed in Appendix 1.

The Council will obtain “Enhanced” DBS checks for all posts involving personal care, access to finances, driving service users (private or Council vehicle).

Any post where the will or moral wellbeing of a user can be subverted or overcome should also be considered for an Enhanced DBS check. It has been agreed that this will include situations where the post holder has access to personal confidential information about vulnerable service users and children. The application of the Definition of a Vulnerable Person and/or Children and Young People should be applied.

#### **6. Nature of the Offence**

- There are a very wide range of offences that would cause concern. Further examination of certain acknowledged offences may be required to demonstrate balance between protecting users and treating ex-offenders fairly.
- Certain offences are unique to Scotland or Northern Ireland and warrant clarification via appropriate legal advice.
- Offences of the following nature warrant particular examination:
  - ❖ sexual offences
  - ❖ violent offences
  - ❖ theft/deception offences
  - ❖ substance offences (drink driving/drug dealing etc)
  - ❖ serious weapons/firearms offences
  - ❖ predatory or stalking offences
- Careful consideration of the triggers for the offence may be necessary, e.g. spur of the moment offences may indicate weak internal controls; premeditated offences may indicate an embedded criminal tendency.
- Managers can sensitively challenge applicant/s accounts of offences, to expose any attempts to minimise the nature or circumstances of those offences. Verification of the facts may be obtainable via the DBS.

#### **7. Number and/or pattern of offences**

- Similar offences in a particular time frame may be explainable e.g. immaturity, prevailing social/economic circumstances and may diminish. The number or pattern of offences can be considered. A cluster of or increase in offences may be of concern.
- Significant numbers of offences, particularly over a period of time may warrant further examination. A small number of offences can also require consideration, particularly if they are of a serious or concerning nature.

#### **8. Age of the individual at the time of the offence(s)**

Offences committed by people in their childhood/adolescence may carry less weight if that individual is now sufficiently old enough to suggest a more mature, socially responsible approach can be expected/demonstrated.

#### **9. Penalty imposed at the time of the offence(s)**

- The severity or leniency of the penalty can often give an indication as to its seriousness although property crimes seem to attract harsher sentences than personal offences.
- If the penalty imposed at the time was minor (and have reference to the inflation of monetary sanctions), then this should have an influence and, of course, the reverse is also true.

#### **10. Time lapse since the offence(s)**

Consideration should be given to the time lapse since the last offence, in conjunction with all the above factors. A sense of severity, pattern, nature, age, time lapse all contribute to placing the offending behaviour in context.

### **11. Service since the offence(s)**

If the individual has a significant and verifiable history of employment in a position of trust since the offence, references should be sought and such service may indicate desired reliability and trustworthiness. However, such service alone, without consideration of other factors, is only one aspect, as responsibility for clearance lies with each individual employer.

### **12. Was the offence declared?**

- Each applicant should have received the statement of Policy on Disclosure and Barring Checks which clearly states the requirement to acknowledge all matters (including reprimands, warnings and cautions)
- Where the applicant has been given the statement by a member of our staff, e.g. after job interview, during assessment as carer/adopter/volunteer, the requirements will have been explained to them. The statement also provides an opportunity for applicants to confidentially discuss their offending history with an HR Adviser, prior to application.
- Applicants who fail to declare offences should be treated with the utmost caution. The failure to declare offences should be recorded with a summary of the reasons given by the applicant.

### **13. Applicants offering explanations for offences.**

- Where an applicant offers an explanation for an offence, this should be recorded with a summary of the reasons.
- Decisions taken in the light of the total information available should be recorded to a sufficient level of detail, to allow comprehension by other officers.

### **14. Any clearances or barring from other sources.**

- Applicants will be aware that clearances will be sought with Police National Computer (PNC), Department of Health (DoH), Department for Education (DFE) and should have declared any previous or current debarment
- If an applicant attempts to conceal debarment, this should be reported to the relevant DoH, DFE Index/List.
- If the DBS check reveals that the applicant is subject to a Disqualification Order, this must be reported to the Police. Failure to report is an offence in itself, as is a Disqualified Person applying for certain posts.
- If the Disclosure reveals that the applicant is subject to registration on the Sex Offenders Register, this should be reported to the Police.

### **15. Positive returns from DBS for an applicant**

The positive DBS return will be passed to the relevant Senior HR Adviser to be dealt with as appropriate, in line with DBS, DoH, DFE guidelines.

### **16. Notification from DBS relating to a current employee**

In the event of a positive DBS notification for a current job holder HR must be involved. The individual will have the opportunity to discuss the issue with their manager and an investigation will take place, this may lead to disciplinary action being taken.

### **17. Recruitment in Schools**

We strongly recommend that no one requiring a DBS check is started in post before a satisfactory DBS clearance has been received. The Head teacher of a school can in exceptional circumstances start an employee before DBS clearance is received. However, this should only be done if adequate protection is in place (e.g. a second adult with appropriate clearances to be in the room at all times with the un-cleared member of staff) provided that all other pre-employment references and other checks have been satisfactorily carried out. This should not be a matter of routine and the head teacher should speak with the HR recruitment team before embarking on this option.

Our Disclosure and Barring Service guidelines and policy dovetails into Wiltshire Council Recruitment Process and is shown on the flow process chart for Recruitment.

### **18. Overseas recruits including those from Eire.**

When recruiting personnel from overseas managers are reminded that the DBS check will only be able to check details related to the applicants time in the UK. In the case of overseas applicants the applicant must be requested to obtain a "Certificate of Good Conduct" from the local police within their home country. If this is not available extra care should be taken with all other reference checks and the recruit should be carefully supervised for the first six months of their employment, when a DBS check can then be undertaken.

## Performance

This Appendix will be reviewed and measured as part of the School's Safer Recruitment Process and be included on its annual Safeguarding Audit undertaken by Senior Management and presented to the Full Governing Body.

**To be reviewed Spring 2019**

# Priestley Primary School

## DBS Application Process



This process is to be followed when a school has identified a candidate they wish to appoint and a DBS disclosure check from the Disclosure and Barring Service is to be sought as part of the checking process prior to appointment. **When referring to a Positive Disclosure, schools should note that this refers to the fact that new information (a caution, reprimand, warning or conviction) has been applied to the disclosure. It does not mean that the person is cleared to start work.**

**Step 1: Candidate has been identified and a DBS disclosure is needed before they can start work:**

- School checks identity of candidate – refer to how to check identity on Schools HR Online.
- School records on SCR what documents were checked.
- School applies for DBS disclosure check via Ebulk.

**Step 2: DBS team receives and checks DBS application:**

- DBS team checks the DBS application and forwards to Disclosure and Barring Service.

**Step 3: DBS disclosure is received by applicant:**

- The Disclosure and Barring Service will send the DBS disclosure directly to the applicant.
- If positive information is disclosed, the DBS team will not be able to see this positive information but will be advised via Ebulk that the individual's disclosure contains additional information (the content of which will not be shared with the DBS team).
- The DBS team will upon receipt of this advice notify the school of the likelihood of a positive disclosure having been identified.

**Step 4: Head teacher checks the DBS check:**

The applicant brings in their DBS disclosure to the school to be checked. The process to be followed will then depend on whether it is a positive disclosure or not, as follows:-

### New information received (positive disclosure)

- The Head Teacher reads and checks the information on the DBS disclosure referring to the guidance for schools when checking a DBS disclosure which is on Schools HR online.
- The Head Teacher must ask the applicant's permission to take a copy of the DBS disclosure using the schools DBS consent form. This form will be sent to the school by the DBS team together with a risk assessment form.
- Having reviewed the individual's disclosure, and in consultation with the guidance, the Head teacher assesses whether he/she has sufficient information of the positive disclosure content and, where fully informed, forms a view as to whether to continue with the individual's involvement with the school. The Head Teacher then completes the risk assessment form and sends this, together with the consent to copy a DBS disclosure form and a copy of the DBS disclosure form itself (all pages included) to the Schools HR Advisory Team
- The Head Teacher discusses the outcome of his/her decision with the Schools HR Advisory Team and notes the decision on the SCR.
- A signed copy of the risk assessment is kept with the SCR for Ofsted inspection. Any copies of the DBS disclosure which have been taken must be destroyed.
- DBS team will confirm clearance to start work to the school. If not cleared to start work, the Head Teacher must discuss reasons with candidate.

### No new information received

- The Head Teacher reads and checks the information on the DBS disclosure referring to the guidance for schools when checking a DBS disclosure on Schools HR online.
- The Head Teacher notes on the SCR that the DBS disclosure has been checked and that s/he is satisfied that the individual is clear to start work or, if a current employee, clear to continue working.
- The Head Teacher confirms to the DBS team that the DBS disclosure has been checked and is acceptable.
- DBS team will confirm clearance to start work to the school and applicant.

# Priestley Primary School

## Storage of Disclosure Information Policy



### What is it?

This appendix explains the school's position regarding the handling, use, storage, retention and disposal of information obtained from disclosure and barring (DBS) service checks to help assess the suitability of applicants for positions of trust as well as for current employees who may need a new check carried out. This policy is in accordance with the DBS Code of Practice.

### Who does it apply to?

All school staff and unsupervised volunteers.

### When does it apply?

This policy applies when the school obtains confidential information about applicants for roles and about current employees, or unsupervised volunteers via a DBS check through the disclosure and barring service.

### What are the main points?

#### Disclosure and Barring Service Checks

- It will be necessary for the school to obtain confidential information from the DBS about employees, unsupervised volunteers and job applicants in order to understand past criminal convictions.
- New employees and new volunteers being recruited into roles which bring them into contact with children on an unsupervised basis will always have a DBS check carried out before starting work. This will be checked carefully by the Headteacher and the person may not start work until cleared to do so.
- Disclosure information is contained in DBS checks under section 113 of the police act 1997 and in enhanced DBS checks of the Act or in information provided by the police under section 115 of the Act.
- There are different types of disclosures:
  - ❖ Disclosure and barring (DBS) certificates (or standard checks)
  - ❖ Enhanced disclosure
  - ❖ Barred list checks.
  - ❖ Enhanced disclosures with a barred list check are the main ones required for employees / unsupervised volunteers at the school.
- Information obtained via disclosures is highly confidential and the school will ensure the safe storage, access, handling, usage and destruction of such information.
- The school will use the disclosure and barring service to help assess the suitability of applicants for positions of trust, and will comply fully with the DBS code of practice regarding the correct handling, use, storage, retention and disposal of copies of DBS checks we may take and DBS check information.
- The school 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 as detailed in this policy, which will be made available to those who wish to see it.

### Storage and access

- The school does not retain copies of DBS checks after they have been checked. It may be necessary to take a copy, with the person's permission, in order to discuss the content with an HR case advisor but a copy of the check itself will not be kept on file.
- The school will record the outcome of a check carried out on the individual's personnel file on a 'single central record'.
- If a copy of the DBS check is to be sent to an HR case adviser, it will in the meantime be held securely in a lockable, non-portable, storage container with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- Keys or combinations for such storage units will not be freely available and access will be restricted to named individuals only, normally the Headteacher and his/her appointed administrator.

### Handling

- In accordance with section 124 of the Police Act 1997, DBS check information will only be passed to those who are authorised to receive it in the course of their duties.
- The school will maintain a record of all those to whom DBS check information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### Usage

- Information gained via checks will only be used for the specific purpose for which it was requested and for which the applicant's full consent had been given.
- The school will ask the person for written permission to take a copy of the DBS check.

### **Retention**

Once a recruitment (or other relevant) decision has been made, the school will not keep DBS information for any longer than is necessary.

### **Disposal**

- Once the need to keep a copy of the DBS check has passed, the school will ensure that any DBS check information is immediately destroyed by secure means, i.e. by shredding, pulping or burning.
- While awaiting destruction, DBS information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).
- However, notwithstanding the above, the school may keep a record of the date of issue of a check, the name of the subject, the type of certificate requested, the position for which the check was requested, the unique reference number of the check and details of the recruitment decision taken.

### **Reporting issues to the DBS**

Where the school becomes aware that this policy has been contravened, it will immediately report this to the disclosure and barring service.

### **Equal opportunities**

The school will make any necessary adjustments to ensure that all employees are treated fairly within the law.

### **Legislation**

DBS code of practice

Data Protection Act 1998

Police Act 1997

Protection of Freedoms Act 2012

### **Further advice and information**

The following are related policies and procedures:

DBS policy

Recruitment of Ex-Offenders

Disclosure and Barring Service Checks