



Disclosure and Barring Service (DBS) Policy

Rationale

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, St Bede Childcare Ltd complies with the DBS Code of Practice regarding Disclosure information. The code is available at: www.homeoffice.gov.uk/publications. It also complies with its obligations under the Data Protection Act 1998 and other relevant legislation.

St Bede uses the services of **Disclosure Services** as its umbrella body for the purposes of obtaining DBS certificates for its employees and appropriate contractors and also follows their guidance and procedures in relation to applications for DBS clearance and other recruitment procedures.

The responsibility for recruitment procedures, including obtaining DBS clearances and proof of identity checks, has been delegated to line managers.

Procedures

- * All employment at St Bede Childcare Ltd is subject to a satisfactory enhanced DBS check. Advertisements for vacancies include this requirement.
- * The job application form sent to applicants contains a requirement to admit any criminal convictions, warnings or cautions.
- * All job applicants who are invited for interview are required to bring evidence of identity and address. Successful job applicants are required to complete a DBS application after completion of the interview process in order that the DBS check can be completed as soon as possible.
- * St Bede's Childcare requires an enhanced check for regulated activity for all successful job applicants; this applies equally in the case of teachers, education support staff, play workers, ICT and administrative staff, maintenance and cleaning staff and catering staff. Applicants for teaching and education support positions are required to produce original certificates of qualifications.
- * An enhanced DBS check involves a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced check.
- * Exceptionally, and in a very small number of circumstances, additional information may be sent under separate cover to the Counter signatory and should not be revealed to the applicant.
- * The Information held under Section 142 of the Education Act 2002 (previously known as List 99) is a list maintained by the Department for Education (DfE) and contains the

details of individuals who are considered unsuitable or banned from working with children. This is now referred to as the Barred List.

* Confirmation is required of other education support professionals. Who work at St Bede Services to have a relevant and clear enhanced DBS check for regulated activity.

* Visitors to St Bede and Contractors' employees are not allowed unsupervised access to pupils and therefore DBS checks are not required.

* The appropriate line manager is responsible for ensuring that all applicants with a substantial record of overseas residence have a work permit if their circumstances require one. Police clearance to work with students is required from their home country, in addition to the enhanced DBS checks for regulated activity required for UK applicants. This category of applicant includes UK residents, whether British nationals or not, with recent periods of overseas residence and those with little or no previous UK residence.

* Written references are always requested in support of applicants and these are often followed up by contact with the previous employer.

* Enhanced DBS checks for regulated activities clearance and individual disclosure numbers are received via a secure online portal hosted by **Disclosure Services**. DBS certificates are sent directly to the applicant's home address.

* All positive DBS disclosures (i.e. those which show a conviction, a police caution or a police record) regardless of the seriousness of the offence/conviction/charge revealed will be subject to an objective assessment. The magnitude of the DBS disclosures will be considered with SMT. Serious disclosures, which might not involve risks to the students, will also be discussed with the Headteacher. The line manager will seek to establish the relevant facts from the applicant and the matter brought to a conclusion. The rejection or acceptance of the applicant will be communicated to him/her by letter.

* Minor disclosures involving a reasonable amount of time since the event and no involvement with students will be dealt with in a discussion between the applicant and the relevant line manager, followed by a recommendation to reject or accept the applicant.

The following factors will be taken into consideration in relation to positive DBS disclosures:-

* Whether the conviction or other matter revealed is relevant to the position in question,

* The seriousness of any offence or other matter revealed,

* The length of time since the offence or other matter occurred,

* Whether the applicant has a pattern of offending behaviour or other relevant matters,

* Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and

* The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

In the event the applicant is due to commence employment before the DBS disclosure has been received and the barred list check has shown a clear response, an employment risk assessment may be completed. (see Appendix B). If the application is in respect of a teaching post, the applicant will require an appropriate level of supervision and/or monitoring to be maintained and he/she will not work alone with individual pupils. On receipt of the DBS disclosure, the normal process will be followed.

Recruitment of ex-offenders

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Services Act 2000, it is unlawful for schools to employ persons, regardless of any mitigating circumstances, who may have regular contact with children who are either:

- a) Included on the list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children. (barred list), or
- b) Subject to a disqualifying order made on being convicted or charged with the following offences against children:

Murder; manslaughter; rape; other serious sexual offences; grievous bodily harm; and/or other serious acts of violence. It is our policy to consider it a high risk to employ persons who may have regular contact with pupils if they have been convicted or charged at any time of any of these offences or drug related offences.

The DBS code of conduct requires that a copy of its Policy on the Recruitment of Ex-offenders is sent to all job applicants. This policy, which should be read in conjunction with the paragraphs above, is set out at Appendix A

Storage of and access to disclosure information

Disclosure information is kept secure, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

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. All Disclosure information may be revealed to the authorised signatories and to the member of administrative staff delegated to maintain the personnel records. Where relevant, Disclosure information may also be revealed to any other member of the Senior Management Team if, in the judgement of one of the authorised signatories, it is necessary for them in order to effectively undertake their responsibilities.

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

Costs

All new staff will need a DBS check; we recognise that there is a considerable cost to these checks, £68 per person and £13.00 per year to maintain, but this then guarantees a portable, lifelong clearance, should you move on from us at any time. To assist staff in these payments, we have liaised with the finance department and agreed that £10 per month will be deducted from salary until the initial payment has been made (six months at £10 and one month at £8) and annually thereafter for the maintaining fee.

Policy Review

This policy will be kept under review in order to keep it in line with relevant legislation.

APPENDIX A

Policy Statement on the Recruitment of Ex-offenders

The DBS Code of Practice Requires that St Bede Childcare Ltd sends a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

In accordance with the aforementioned Code of Practice this policy is made available to all Disclosure applicants at the outset of the recruitment process. The full Code of Practice is available at. <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/CRB/about-the-crb/crb-cop?view=Binary>

As an organisation which uses the Disclosure and Barring Service (DBS), the Governing Body of St Bede Academy complies fully with the aforementioned Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

We meet the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all job applicants will be subject to a criminal record check from the Criminal Records Bureau before the appointment is confirmed. This will include details of convictions cautions and reprimands, as well as 'spent' and 'unspent' convictions. A criminal record will not necessarily be a bar to obtaining a position.

We are committed to the fair treatment of applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

All application forms and recruitment information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

We encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. This information may be sent under separate, confidential cover. The information will only be seen by those who need to see it as part of the recruitment process.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. We ensure that staff who are involved in the recruitment process have access to professional advice to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Having a criminal record will not necessarily bar you from working at St Bede. This will depend on the nature of the position and the circumstances and background of your offences.

APPENDIX B

Safer Recruitment - Employment Risk Assessment

This form is only for use in exceptional cases, where the Directors wish to consider an exemption from the requirement to obtain an enhanced DBS check for regulated activity prior to appointing a member of staff to work with children. It must not be used as an alternative to submitting a DBS application which must be done at the earliest possible date. The form should be completed by the Manager of the venue and be retained on the employee's personal file indefinitely.

Please note that a Barred List check must be carried out in every case prior to an employee beginning work at St Bede.

Name of Applicant

Post to be filled

Date post became/becomes vacant

Alternative arrangements for covering the post if the candidate does not commence his/her duties:

Date of interview:

Date DBS application form submitted to personnel provider:

Is the progress of the DBS being checked through online checking?

Name of current/last employer

Length of service with current/last employer

Has there been a break in employment since last employed?

If yes - has this been satisfactorily explained by the candidate?

Has the candidate declared any previous cautions/convictions?

If yes - have these been satisfactorily explained by the candidate?

Has advice been sought from Disclosure Services , if there are any concerns about the employee's background?

Please complete the Director's Declaration

Name of Applicant

Post to be filled

Director 's Declaration:

- I confirm that this post is essential to the successful operation of the venue
- I confirm that I have obtained references from at least one referee with recent and relevant knowledge of the employee. I am satisfied that the referee has no reservations as to the applicant's suitability to work with children and young people.
- I confirm that a Barred List check has been carried out and written confirmation received of a satisfactory outcome.
- I confirm that medical clearance has been given for this appointment.
- I confirm that I will ensure appropriate levels of supervision and/or monitoring will be maintained at all times (for example, unplanned visits by senior staff to employee's work area and avoiding the person working alone with individual children).
- I confirm that the employee will not be given responsibility for high-risk activities e.g. residential trips until appropriate DBS clearance arrives.
- I confirm that the established child protection procedures, standards and ethos of the school provide clear expectations of all staff in matters of child protection.
- I confirm that as part of the employee's induction, the above standards and expectations will be made clear.
- I have discussed the details of this appointment and assessed the potential risk(s) with another Director

Signed:

Name:

Job Title:

Date: