

Weatherhead High School

A high performing academy providing excellence for all

Disclosure & Barring Service Policy

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Weatherhead High School

1. Policy Statement

- As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Weatherhead High School complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly and not to discriminate against any subject of a Disclosure on the basis of conviction or other information revealed. This document should be read in conjunction with the Recruitment of Ex-offenders Policy.
- Weatherhead High School has due regard for statutory legislation and statutory guidance in relation to DBS procedures and requirements.
- Weatherhead is committed to the fair treatment of its staff and potential staff, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Weatherhead actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates. Candidates for interview are selected on the basis of their skills, qualifications and experience.
- An Enhanced Disclosure has been a requirement for all positions of regulated activity in schools since 2003.
- All staff, both teaching and support, and all Governors have been through the DBS process.
- As an enhanced disclosure forms part of the recruitment process applicants are informed of the procedure and requirements for providing information to Weatherhead at the appropriate time via the school's Recruitment and Selection Policy and vacancy advertisement.
- Only "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974 are discussed.
- We ensure that all those in Weatherhead who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- Failure to reveal information that is directly relevant to the position could lead to withdrawal of an offer of appointment.
- Having been offered a position with the School it is the responsibility of the individual to make the School aware of any subsequent convictions. The School will then make a decision as to whether it is appropriate for that individual to remain in the post.
- Although DFE guidance states that DBS checks will be undertaken every 3 years, Weatherhead will ask that all staff renew their DBS every 5 years.
- Enhanced Disclosures are generally processed within 4 weeks.

Having a criminal record will not necessarily prevent an individual from being a member of staff at Weatherhead High School. This will depend on the nature of the position, professional suitability and the circumstances, nature and background of the offences.

2. Roles and Responsibilities

The Governing Body is responsible for:

- Ensuring there are effective policies and practices in place to ensure DBS requirements and procedures are adhered to for all staff employed in regulated activity, requiring a DBS certificate.
- Ensuring the DBS Policy and Code of Practice is adhered to at all times.
- Delegating authority to the Headteacher to make decisions regarding minor offences disclosed in a DBS certificate.
- Making decisions with regards to disclosure information concerning existing and prospective employees, not covered by the authority delegated to the Headteacher.

The Headteacher is responsible for:

- Ensuring an up to date Single Central record (SCR) is maintained.
- Ensuring advertisements for any posts within the school indicate the level of DBS check required for the post.
- Ensuring that the identity of existing or prospective employee is confirmed and verified beyond doubt before commencing or continuing employment.
- Ensuring that current and prospective employees do not continue or commence their practice without a satisfactory DBS check or an appropriate risk assessment on their suitability to work with children.
- Ensuring Teaching staff who commence employment without a DBS check in place are subject to a barred list check and are supervised at all times until a check is received – this should only be in exceptional circumstances and for a period not longer than 2 weeks.
- Ensuring Support staff who commence employment without a satisfactory DBS check are supervised at all times until a check is received – this should only be in exceptional circumstances and for a period not longer than 2 weeks.
- Ensuring that all members of staff hold current acceptable DBS checks, to the required level and that renewals are processed within a timely manner.

3. Objectives of the Application Process

The purpose of this process is:

- To ensure, as far as is reasonably possible, that all young people are fully protected from risk and exposure to inappropriate, unsolicited, or immoral behaviour on the part of any future or existing member of staff, or those associated with the delivery of teaching, or services, on behalf of the School;

A Disclosure, of whatever type, carries no period of validity.

Disclosures are designed for use immediately after issue **and may only be considered portable if the individual has subscribed to the disclosure and barring service update service.**

4. Regulated Activity

- For the purpose of this policy, engaging in “**regulated activity**” involves any individual who:
 - Will be responsible for teaching, training, instructing, caring for or supervising children at the school.
 - Will carry out paid or unsupervised, unpaid work regularly at the school, and where that work provides an opportunity for contact with children.

- Engages in intimate or personal care or overnight activity, even if this happens only once.
- Regulated activity is described as being “regular” if it is carried out by the same person and is conducted:
 - Once a week or more often.
 - On four or more days in a 30 day period.
 - Overnight (between 2am-6am).

5. DBS Procedures for staff

- All those in regulated activity, are required to obtain an enhanced DBS check with barred list information.
- Staff in management roles are required to obtain an additional check to ensure they are not prohibited under section 128 provisions.
- Only members of staff who have the opportunity for regular contact with children, but who would not be engaging in regulated activity, are required to obtain an enhanced DBS certificate that **does not** include a barred list check.
- The school will carry out all “relevant checks”, including an enhanced DBS certificate with barred list check, for **existing staff** where:
 - There are concerns about a staff member’s suitability to work with children.
 - A person moves from a post that was not regulated activity into work that is regulated activity.
- There is no requirement to obtain an enhanced DBS check if, in the three months prior to beginning their new appointment, the applicant has worked:
 - In a school in England or in a post which brought them into regular contact with children or in any post in a school since May 2006; or
 - In a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 16.
 - But a school or college **may** request an enhanced DBS check with barred list information should there be concerns and bearing in mind the duty schools and colleges are under not to allow a barred person to work in regulated activity. As such Weatherhead High School reserves the right to undertake an enhanced DBS check on appointment.
- When employing **agency staff** from a third-party organisation, the school will obtain written notification that the organisation has carried out the relevant checks, including a barred list check prior to their appointment where necessary.
- When employing/hosting trainee and student teachers, Weatherhead High School will ensure that enhanced DBS certificates and barred lists checks are obtained on all “salaried” applicants for initial teacher training.
- Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and provide written confirmation to the school that this has been undertaken.
- **Contractors** who engage in regulated activity will be required to obtain an enhanced DBS with barred list check.
- Any **contractors** who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check.
- The school will check that the individual presenting themselves for work is the same person for whom the checks have been made when employing any member of staff.
- The school will only check the status of any DBS certificates if this is legally required for a new role or a change in roles. The individual’s consent will be gained before the DBS certificate status is checked.

6. DBS procedures for visitors and volunteers

- Where a volunteer is recruited to engage in work which is not considered 'regulated activity', an enhanced DBS certificate will not be obtained.
- Volunteers recruited to take part in regulated activity must obtain an enhanced DBS certificate with a barred list check.
- Under no circumstances will a volunteer who has not provided a DBS certificate be left unsupervised or allowed to work in regulated activity.
- The school will undertake a risk assessment for all supervised volunteers to decide whether an enhanced DBS check is required, with consideration for:
 - The nature of the volunteer's work with children.
 - What the school knows about the volunteer.
 - Whether the volunteer has referees who can advise on his or her suitability.
 - Whether the role is eligible for an enhanced DBS check.
- If the school has any concerns regarding a volunteer that may pose a risk to pupils, and as result the volunteer is removed from the school, a referral will be made to the DBS by the **Headteacher**.
- The school will not conduct any DBS checks for any volunteers who are under the age of 16.
- When allowing any visitors or volunteers to work at the school, the school will check that the individual presenting themselves for work is the same person for whom the checks have been made.

7. Procedures for alternative provision

- Where a student is educated in an alternative provision setting, the Headteacher will obtain written confirmation from the provider that the appropriate DBS checks (and any other statutory checks e.g. prohibition from teaching) have been carried out on the provider's staff.

8. Procedure for dealing with Disclosure information

- Where a Disclosure indicates a criminal record for an applicant, the School will contact the individual concerned. The individual will be required to provide an account as to the offence(s) that have been declared against their name.

The account along with any other supporting information will then be considered by the Headteacher and Governing Body, if appropriate. They will decide whether the application is Suitable or Unsuitable. The Governing Body of Weatherhead High School have delegated authority to the Headteacher to make decisions regarding minor offences.

The applicant will be informed of the outcome and a record of the decision retained (on the employees file, if appointed), please refer to Appendix 1 for information to be considered before reaching a decision.

Where an applicant needs to be re-interviewed, the Headteacher will inform the candidate of the interview arrangements. Applicants will be informed in writing of the outcome of the re-interview.

- For current employees the Headteacher (or Governing Body as appropriate) will consider whether adjustments need to be made whilst investigations take place including:
 - Whether the employee can continue their practice
 - Whether supervision of the employee is required
 - Whether the employee should be temporarily transferred to other duties
 - Whether the matter needs to be dealt with under the school's Disciplinary procedures, including whether the employee should be suspended.
- A record of all recruitment decisions following positive DBS disclosures will be kept by the HR Manager.

9. Referral to the DBS

- The school has a legal duty to refer to the DBS any member of staff (including volunteers) who has harmed, or poses a risk of harm, to a student where:
 - The harm test is satisfied.
 - The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
 - The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
 - The staff member has been moved to an area of work not in regulated activity.
 - The staff member has been suspended.
- Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member, after taking advice from the school's HR Advisor

10. Overseas applicants

- A candidate from overseas will be checked in the same way as other candidates in line with the procedures outlined in 5 of this policy.
- The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.
- As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.
- In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.
- A check will also be made for any teacher sanctions or restrictions that a European Economic Area (EEA) authority has imposed.

11. Recruitment of Ex-offenders

- Weatherhead High School is aware of its responsibility under the Police Act 1997 not to discriminate applicants on the basis of their criminal record.
- The school will only ask an individual to provide details of convictions and cautions that it is legally entitled to consider when recruiting candidates.
- The school selects all candidates for interview based on their skills, qualifications and experience.
- All job adverts and application forms for posts that require a DBS check, will specify so at the outset of the recruitment process.
- During the recruitment process, the school will ensure that a discussion takes place to evaluate any offences or other matters relevant to the position.

- Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment.
- Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with this policy.
- All applicants will have access to a copy of the school's Recruitment of Ex-offenders Policy at the outset of the recruitment process.

12. Data Protection and Handling

- The DBS has a Privacy Statement stating that it is fully committed to comply with the Data Protection Act 2018. This and other DBS documents can be viewed on their website: <https://www.gov.uk/government/publications/standard-and-enhanced-dbs-check-privacy-policy>. Weatherhead High School is also fully committed to comply with the Data Protection Act 2018.
- DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- As DBS certificates are covered by the Data Protection Act 2018 all certificate information will be stored in accordance with the school's Data Protection Policy and will be stored securely in a locked cabinet, either on the employee file or in the HR Manager's office.
- Access to certificate information will be restricted to the Chair of Governors, Headteacher, Business Manager (for SCR control) and the HR Manager.
- The school will not keep original DBS certificates but may securely retain a copy should it be necessary to do so and with the individual's consent.
- The school will not keep copy DBS certificates for any longer than is necessary once a recruitment decision has been made – usually for no longer than six months to allow for the consideration and resolution of any disputes or complaints.
- In exceptional circumstances the school may need to retain DBS certificate information longer than six months. In such cases the school will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.
- In exceptional circumstances, and as part of their duties, another member of staff is required to access the certificate information the school will keep a record of the named individual and the individual to whom the DBS information concerns will be informed prior to sharing of the information.
- Prior to disposal all waste will be stored securely in confidential waste.
- DBS certificate information will be disposed of securely by shredding.
- Although the school will not keep copies of certificates, a record will be kept of the following:
 - The date of the issue of the certificate
 - The name of the subject
 - The type of certificate requested
 - The position for which is applied to
 - The unique reference number
 - The details of any final recruitment decision.

13. Monitoring and Review

- This policy will be reviewed every two years, notwithstanding any statutory or legislative changes. It will be reviewed by the Headteacher and Governing Body in conjunction with the HR Manager.
- Any changes to the policy will be approved by the Governing Body and will be communicated to all staff.

Please complete this form fully and consider seeking guidance from the school's discuss HR Advisor, as it will form the basis of a decision to appoint/not to appoint someone into a position where positive disclosures have been identified on a returned DBS check.

POSITIVE DBS DISCLOSURE – RECORD OF RECRUITMENT DECISION	
<p>All disclosures which are relevant to child protection, regardless of the seriousness of the offence(s)/conviction(s) /charge(s) revealed, will be subject to an objective assessment. All sections of this form must be completed and the form retained on file.</p>	
SECTION 1: General	
Date:	
Name of Applicant:	
Post applied for:	
SECTION 2:	
Questions	Comments
Does the applicant meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?	
Does the applicant agree that the information detailed on the DBS certificate is correct? In the event of a challenge from the applicant the matter needs referring to the disputes team at the DBS.	
The country in which the offence was committed e.g. some activities are offences in Scotland and not in England and/or Wales and vice versa. Whether the offence has since been decriminalised by Parliament.	
What was the nature of the crime, when did the relevant offence(s) occur e.g. less/more than two years ago, what were the circumstances involved and what was the sentence?	
Do the matters disclosed form any pattern? Was the offence a one-off, or part of a history of offending e.g. is the offence likely to re-occur?	
What is the seriousness of the offence(s) and relevance to the safety of other employees, students, service users and property?	
Are there any assessments and reports from those agencies involved in the applicant's process of rehabilitation e.g. probation service, specialists working in prison, other agencies?	
Are the type and/or nature of the offence(s) directly relevant to the post?	
What is the nature of the contact the applicant will have with children/adults/the public and how vulnerable are they? Will the applicant have access to finances or to items of value?	
Was the relevant offence committed at work (either paid or unpaid work)? Does the job present any opportunities for the applicant to re-offend in the place of work?	

Did the applicant declare the matters on the Weatherhead High School application form or DBS self-disclosure application form?	
Are there any mitigating circumstances e.g. any relevant information offered by the applicant about the circumstances that led to the offence being committed e.g. the influence of domestic or financial difficulties?	
Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy etc.). Can the applicant demonstrate any efforts not to re-offend? i.e. rehabilitation course	
Would the applicant do anything differently now - has their motivation changed? Does the individual regret the matter (degree of remorse) and what is their attitude towards the matters now?	
What level of and how much supervision is available to the applicant?	
Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?	
Have 2 references been received yes / no? What do they say about the applicant's suitability for work in a "regulated position"?	
Any questions/additional comments from the applicant?	

Declaration by applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this pro forma will be held securely by Weatherhead High School for 25 years from the date of the assessment if appointed/6 months if not appointed. It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with the Weatherhead High School, where an investigation would require access to this data. It will be destroyed in line with the Weatherhead High School's Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.

I consent to the above:

Name:

Signature:.....

Date.....

Additional comments from the Headteacher or Governing Body

Signature: Date:

I understand the school's policy on the recruitment of Ex-Offenders and having considered the above assessment I believe the applicant does/does not* constitute a risk for the following reasons (please provide detail):

Nature and date of offence

Therefore the applicant should/should not* be offered this post.

Please note, if proposing to appoint a person with a conviction for a **high risk offence** please ensure that this document is countersigned by the Chair of Governors.

Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the employer

Name of Headteacher:

Signature of Headteacher: Date:

Name of Chair of Governors:

Signature of Chair of Governors: Date:

Name of HR Advisor (consulted if applicable):

Guidance Notes - Recruitment of Ex-Offenders

These guidance notes are provided as a reminder of the types of offences that the school considers high risk when employing an individual to work with children or vulnerable adults.

Work with Children

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

- included on the list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children. Unsuitability includes but is not limited to previous convictions. Referral to the list must be made by a "childcare organisation" if the person concerned was employed in a post involving the care of children and commits misconduct (whether or not within the course of his/her employment) which has harmed a child or put a child at risk of harm;

OR

- 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 the school's normal policy to consider it a **high risk** to employ persons, who may have regular contact with children if they have been convicted or charged at any time of the following offences against children or adults:

- Murder;
- Manslaughter;
- Rape;
- Other serious sexual offences;
- Grievous bodily harm; and/or
- Other serious acts of violence
- Serious class A drug related offences;