

# **Inspire Partnership Multi Academy Trust**

## **Disclosure & Barring (DBS Policy)**



**Policy Review Date – September 2021**

**Date of Next Review – August 2024**

**Personnel Responsible – Chief Operating Officer**

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## **PART 1:**

### **The Disclosure and Barring Service (DBS)**

#### **Aims of Policy**

To ensure staff understand

- The process in which the Trust undertakes DBS checks
- The implications when recruiting new staff.
- The implications for visitors, contractors, agency staff and lettings.

***This policy will be updated in line with changes in legislation.***

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Inspire Partnership Multi Academy Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions, fairly

## **1. Introduction: Links to safer recruitment and child protection**

1.1 The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (DBS) and Independent Safeguarding Authority (ISA).

They are responsible for:

- a) processing requests for criminal records checks
- b) deciding whether it is appropriate for a person to be placed on or removed from a barred list. The DBS 'barred lists' include individuals who they have deemed unsuitable for working with children and adults
- c) placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

1.2 DBS Disclosures provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer. The Disclosure includes a check of local police records. The Chief Police Officer in each force will decide what, if any, information to provide. Since May 2013 certain old and minor convictions, cautions, reprimands and warnings will not be included (for more information see the DBS website.)

1.3 From 10 September 2012 the government has a new definition of 'Regulated Activity'. The law still requires schools to carry out DBS and Barring checks on all school employees on their establishment.

1.4 DBS disclosures will be sought for staff who are employed by the school and volunteers who undertake 'regulated activity' (i.e. regularly teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children) which is unsupervised. The following provides further clarity:

**1.4.1 School Employees:** All posts on the structure are exempt from the Rehabilitation of Offenders Act 1974 therefore all employees are still eligible for enhanced DBS checks including a check on the barred list.

**1.4.2 Volunteers:** If a volunteer is supervised they do not require a DBS check. However, depending on the circumstances including whether they will have contact with students and duration of visits, the school may undertake an enhanced DBS check.

If a volunteer is unsupervised and undertaking activities that involve:

- Teaching, training, instructing, caring for or supervising students, providing advice/guidance on well-being or driving a vehicle only for students or;
- Working in a specified place with opportunity for contact with students

they are eligible for enhanced DBS checks including the barred list check, provided that this activity is done 'regularly' (i.e. once a week or more, or on 4 days in a 30 day period).

If an external organisation is visiting the academy to do an activity, the lead employee at the school and member of SLT should do a risk assessment to decide if these people are working in regulated activity and if Enhanced DBS checks are required for these people. If the PHeadteacher decides that Enhanced DBS checks are required, it is the responsibility of the external organisation to provide written confirmation that their staff have valid DBS checks for the role they will be carrying out. If the external organisation cannot do this, their staff will not be able to work in the academy.

**1.4.3 School Governors/Trustees :** Governors/Trustees require an enhanced DBS and barred list check.

1.4.4 **School visitors:** Certain visitors will be required to demonstrate that they have an enhanced DBS check (see section 7 below). However no DBS information is required for:-

Visitors who are in school to fulfil a specific purpose which does not include contact with children;

Visitors meeting a member of staff only (e.g. a parent);

Visitors who are in school on an occasional basis (not regular as defined in 1.4.2 above) who will have contact with children but are supervised by a member of staff at all times.

If in doubt staff must seek advice from the external HR provider.

1.4.5 **Supply Teachers:** Supply teachers are required to have an enhanced DBS check (see section 9 below). The agency supplying the individual must confirm the individual is safe to work with students.

1.4.6 **Students :** Students who undertake any work with children are required to have an enhanced DBS check. The organisation supplying/arranging the work placement is responsible for ensuring the enhanced check is in place and confirming that the individual is safe to work with children.

1.4.7 **Checks on Under 16's:** DBS checks should not be requested for young people under the age of 16. It is not the expectation that persons under 16 will be left in an unsupervised capacity with pupils, therefore DBS checks are not required.

## 1.5 **Applicants who have lived outside the UK**

1.5.1 Newly appointed staff that have lived outside the United Kingdom must undergo the same checks as all other staff.

1.5.2 Individuals who have lived outside the UK in the past five years will need to provide Criminal Convictions Clearance from the country or countries they were residing in, because the DBS cannot generally trace individuals abroad. The individual must contact the relevant Embassy to obtain a disclosure which should not be dated more than 6 months ago at time of receipt.

1.5.3 If the school recruits an individual who has lived abroad in recent years prior to appointment, it may be appropriate to check their overseas criminal record as a DBS check may not provide a complete picture of the criminal record.

1.5.4 For overseas queries, call the DBS Information line on **0870 90 90 811**

## 2. Barring from specified employment

- 2.1 The school has a duty to refer to the DBS any information where there is concern relating to harm or risk of harm to children. Referrals must be made for dismissals, or when an employee resigns because they harmed, or may harm a child. The Trust central team will support with a referral. .
- 2.1 The DBS makes fair, consistent and thorough barring decisions that are an appropriate response to the harm that has occurred, as well as the risk of harm posed.
- 2.2 It is a criminal offence to knowingly employ someone who is barred to take part in regulated activity. There are financial penalties and/or custodial sentences.

## 3. The Enhanced DBS

- 3.1 For positions involving work with children in Regulated Activity, an Enhanced DBS check is required.
- 3.2 This will check whether someone's included in the DBS 'barred lists' of individuals who are unsuitable for working with children and adults.
- 3.3 The school will use an appropriate registered body to undertake the check. A registered body is an organisation that is likely to ask exempted questions under the Rehabilitation of Offenders Act 1974, or an umbrella body. Such a body must be registered in order to be able to countersign applications for standard and enhanced disclosures.
- 3.4 All candidates invited to a selection process will be required to declare spent and unspent convictions, cautions, reprimands and final warnings on a Self Disclosure Form. This information will be kept in a confidential sealed envelope and will be shredded for all unsuccessful candidates. The form is then destroyed once a decision regarding a candidate's suitability for the post has been made.
- 3.5 Since May 2013, certain '*protected convictions*' will be filtered out and not subject to disclosure - even in schools. A conviction is 'protected' if
- It does not relate to a 'listed offence' such as sexual or violent offences
  - No custodial sentence was imposed
  - The individual has no other convictions (where the individual has more than one conviction, all convictions will be included on the DBS certificate)
  - It was received by a person under 18 at the time of the conviction and five and half more years have elapsed
  - it was received by a person aged 18 or over at the time of the conviction and 11 years or more has elapsed.

A caution is a protected caution if:

- a) It does not relate to a listed offence
- b) it was given to a person under 18 at the time of the caution and two years or more have elapsed
- c) It was given to a person aged 18 or over at the time of the caution and six years or more have elapsed

3.6 Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.

#### **4.0 Implications for Inspire Partnership Multi Academy Trust**

4.1 Nominated staff within each academy/school will act as countersignatories for disclosure applications, and receive notification of a person's suitability to work with children from the registered body.

4.2 A disclosure will be sought for successful applicants only. This is either following interview where a provisional offer of employment has been made or where a voluntary position has been offered and accepted. Formal identity of the individual must be established prior to a disclosure certificate being sought. The countersignatory will need to see documentary evidence of identity. All identity documents are checked face-to-face in school, to prevent identity fraud and to ensure the accuracy of Disclosures.

4.3 Inspire Partnership Multi Academy Trust does not accept portability of DBS Disclosures obtained from another registered body unless the applicant is subscribed to the update service. Nor does it offer portability of its own Disclosures. If a new employee was previously a volunteer they must still complete a new DBS check.

4.4 Since June 2013 DBS certificates have been sent directly to the individual on whom the check has been carried out. Once the check is complete the Trust will receive email notification from the Registered Body. This will either state:

- The check is complete with 'no content'; which means the check is clear, or
- The check is 'completed with content, please wait to view applicant certificate'; which mean the check is not clear.

4.5 If the DBS check is clear the school can arrange a start date . The Trust will receive a confirmation statement from their provider and the school will and record the details on their single central record.

#### **Positive Disclosures (disclosures with content)**

4.6 A positive disclosure (i.e. 'with content') from the Disclosure and Barring Service is a certificate that shows cautions, warnings or convictions, spent convictions and also unspent convictions, and for Enhanced checks, it will also show other information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

- 4.7 If the certificate has 'content' the applicant must be asked to bring the certificate into the school as soon as possible so that the Headteacher can make a decision. The school must see an original copy of the disclosure certificate.
- 4.8 Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the Headteacher in the first instance. The Headteacher's decision to appoint should be based on:
- whether they are barred from appointment
  - whether the conviction is relevant to the position
  - the circumstances surrounding the offence, and any explanations provided by the applicant
  - the seriousness of the offence
  - the length of time since the offence occurred
  - whether there is a pattern to the offending behaviour, or whether it was a one-off
  - whether the applicant's circumstances have changed
- 4.9 Further discussion should take place regarding:
- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage
  - the level of supervision the post-holder receive
  - whether the post involves responsibility for finance or items of value
  - whether the nature of the role allows the applicant to potentially re-offend
- 4.10 The Headteacher after seeking advice/support from the Chief Operations Officer will make the decision about whether or not to employ the person. All positive disclosures which raise child protection issues may be discussed with the Local Authority Designated Officer (LADO) before a decision is taken. Where a decision to appoint is taken the information will be recorded on the person's file.
- 4.11 If an applicant makes a false declaration on the application form or on the form used indicated in 3.4, or anywhere else, about convictions, cautions, reprimands or final warnings (or lack of them) then the offer of employment is likely to be immediately withdrawn or an employee may be summarily dismissed.
- 4.12 The Governing body has adopted the policy on the recruitment of, and guidance on the employment of ex-offenders (see part 2).

## **5.0 Re-vetting existing staff**

It is not a statutory requirement to renew existing DBS checks. However, it is the trust's position that any staff who have a break in service will be required to undergo a new enhanced DBS check.



All staff are required to complete a Staff Disqualification Declaration Form on an annual basis.

If an employee fails to comply with this policy, the school may commence disciplinary proceedings.

## **6.0 Employees committing an offence during employment**

- 6.1 It is the employee's responsibility to disclose any criminal convictions, cautions, reprimands or warnings that they incur during their employment with the academy, to the Headteacher. The Headteacher will then request that a risk assessment is undertaken and on receipt of this will make a decision on the appropriate steps to follow based on the type of conviction, caution, reprimand or warning the employee received and the role of the employee. The Headteacher must then inform the Chair of Governors and the Chief Operations Officer about the decision they made and the reason they made it.
- 6.2 If the employee fails to inform the Headteacher of any criminal convictions, cautions, reprimands or warnings that they incur during their employment with the school this could lead to disciplinary action being taken against them and may even result in dismissal.
- 6.3 Having a criminal record will not necessarily bar someone from working with the school; this will depend on the nature of the position and the circumstances and background of the offences.

## **7. Visitors/ Contractors/ Lettings**

### **7.1 Visitors**

The School Business Officer is responsible for ensuring that Receptionists and Premises staff have the necessary information to ensure that all visitors are made aware of the school's commitment to safeguarding students and their responsibility as a visitor.

All visitors must be asked provide a form of identification containing a photo. Receptionists and Premises staff must ascertain the nature of people's visit unless the host member of staff have informed them prior.

- 7.2 The school will need to record details of original enhanced DBS checks for all visitors on their first visit as listed in section 1.4.
- 7.3 The individual's employer may provide these details by e-mail in advance of their first visit to the host member of staff/School Business Officer or the individual may produce their original DBS disclosure or disclosure number on their first visit along with a form of identification including a photograph. Note that individuals have the right to refuse to show their DBS disclosure because the document contains personal information to them. Staff are advised to seek advice from the external HR provider if in doubt.

- 7.4 The Receptionist or Premises staff must ask when they will be visiting the school in future and record information on the Single Central Record.
- 7.5 If a volunteer does not have a DBS check and will be undertaking regulated activity or will be unsupervised as detailed in section 1.4, the school will arrange for a DBS check to be undertaken.
- 7.6 If a visitor as described above does not have a DBS disclosure, they must be supervised by a member of staff at all times during their visits if undertaking regulated activity until proof of a DBS disclosure with no content has been provided preferably by them or their employer (DBS disclosure number, date of issue). If a disclosure has content then the same process will be followed as detailed in section 4.
- 7.7 Where DBS disclosures are shown, the details must be recorded on the school's Single Central Record.

#### 7.8 **Contractors**

Organisations that provide occasional or temporary services to the school (but not related to teaching, training or supervision of students) are no longer eligible for DBS checks. It is not the expectation that maintenance workers for example are asked for evidence of DBS checks as it is expected that they would not be allowed to walk around the school unaccompanied, however details of the schools expectations of contractors will be covered in the written agreement. Contractors visiting schools to carry out repairs, servicing or other short term work should be escorted to their working areas and appropriately monitored during their presence on site. The site area of works must be clearly defined and segregated from general access, for health and safety reasons. They should be instructed not to encourage or enter into communication with pupils.

Generally it will not be necessary, providing the above procedures are followed, to obtain Disclosure information from the DBS for operatives working on site. There may be situations that fall outside the scope of the above and in these circumstances a risk assessment should be carried out to determine what measures may be appropriate.

#### 7.9 **Lettings**

The designated member of staff responsible for managing lettings must ensure the Lettings Agreement is adopted as appropriate which includes the requirements in terms of safe guarding children.

### 8. **Record Keeping**

- 8.1 As part of an Ofsted inspection, inspectors will want to view the school's single central record of recruitment checks. It is therefore important that such a record is kept and maintained. A school is expected to have a record of:

- All staff employed to work at the school;
  - Staff employed as supply whether employed directly or through an agency;
  - Other staff who work in regular contact with children such as volunteers or specialist instructors.
- 8.2 The record must indicate whether or not the following checks have been completed:
- An Identity check;
  - Qualifications legally required;
  - Enhanced DBS (including barred list check);
  - A prohibition from teaching / prohibition from management;
  - Right to work in the United Kingdom;
  - A check of professional qualifications
  - Overseas checks where appropriate.
- 8.3. The record should also indicate the date on which each check was completed or the relevant certificate obtained and who carried out the check.
- 8.4. The date of the DBS check should be recorded on the central record of pre-employment checks. The relevant person should place a copy of the email received from the Registered Body (who supplies the DBS information) that confirms whether or not the disclosure is clear on the employee's file. If the disclosure was not clear and a risk assessment was completed, a copy of the risk assessment should also be kept on the employee's file. These documents should be retained permanently on file.
- 8.5 The school must record data indefinitely on the Single Central record until further guidance is provided about how long someone's details should be retained for.
- 8.6 The Central Record must be secure and password protected, accessible only by the relevant members of staff.
- 8.7 The School Business Officer must ensure the Central Record is accurate and up to date.

## **9 Agency Agreements**

- 9.1 The school must have a written agreement with all recruitment agencies that includes the requirements from the agencies in terms of vetting and barring.
- 9.2 Before engaging supply staff provided by a supply agency, the school must obtain written confirmation from the agency that all necessary pre employment checks have been carried out and are satisfactory as follows:
- Undertaken a standardised, personal face-to-face interview with the applicant and checked the teacher reference number and qualifications

- Confirmed identity in line with acceptable documents approved by the Criminal Records Bureau
- Confirmed proof of address from two independent documents
- Confirmed right to work in the United Kingdom, and obtained all necessary entry clearance certificates, work permits and immigration documents
- Obtained an enhanced DBS check and confirmed in writing that the individual is suitable to work in regulated activity with students
- Obtained a NCTL (prohibition) check on the Employer Access service
- Obtained, for all candidates from abroad, a current police clearance from their country of residence
- Conducted standardised Risk Assessments on applicants with disclosures on their DBS or foreign police clearance
- Not compulsory but best practice, asked candidates (at verbal vetting stage, on the written application form, and at interview) to declare any convictions, cautions or reprimands, warnings or bind-overs which they have occurred, including any that would be regarded as 'spent'
- Conducted a barred list check on all surnames used, and updated annually
- Applied for, received, and verified two satisfactory and current references, as follows:

Reference 1: from a child-care environment, covering a minimum of six week's work which can be confirmed by a credible referee; and

Reference 2: the candidate's most recent employment reference.

If a candidate has previously had experience working with children, at least one reference must provide that the candidate is suitable to work with children, that there have been no allegations or investigations with regard to their behaviour towards children and that there has been no disciplinary action taken relating to their suitability to work with children.

- Verified any gaps in the applicant's work history

9.3 Before placing any candidate in school, the agency must confirm in writing that the checks as above have been completed.

## **PART 2:**

### **Policy on the Recruitment of Ex-Offenders**

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), The Inspire Partnership Multi Academy Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

The Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

The Trust can only ask an individual to provide details of convictions and cautions that the academy are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), The academy can only ask an individual about convictions and cautions that are not protected.

All posts involving direct contact with children are exempt from the Rehabilitation of Offenders Act 1974. However, amendments to the exceptions order 1975 (2013 & 2020) provide that certain spent convictions and cautions are 'protected'. These are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice website.

The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

The Trust actively promotes 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. The schools select all candidates for interview based on their skills, qualifications and experience.

Shortlisted candidates will be asked to provide details of all unspent convictions and those that would not be filtered, prior to the date of interview. You may be asked for further information about your criminal history during the recruitment process. If your application is successful, this self-disclosure information will be checked against information from the Disclosure and Barring Service before your appointment is confirmed.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. All employees at Inspire Partnership Multi Academy Trust are required to have a DBS check. All application forms, and job adverts will contain a statement that an application for a DBS certificate will be submitted in the event of



the individual being offered the position. The Trust ensures that all those in the academy/school who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The Trust also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, the school ensures that an open and measured discussion takes place on the subject of any offences or other matter disclosed by an individual 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.

The school undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a provisional offer of employment.

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

<b>Signature: CEO</b>	
<b>Signature: Chair of Board</b>	
<b>Date:</b>	<b>06/10/2021</b>