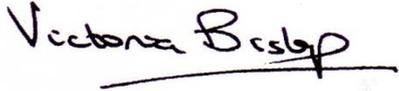


<b>Title</b>	<b>Disclosure &amp; Barring Service Policy</b>
<b>Reviewed</b>	<b>September 2018</b>
<b>Next Review</b>	<b>Annually (subject to amendments to legislation)</b>
<b>Associated Policies</b>	<b>Child Protection Policy Recruitment Policy</b>
<b>Originator</b>	<b>Mrs Victoria Bishop &amp; Mr Colin Hinds</b>
<b>Approved</b>	

## Contents

1.	Introduction .....	4
2.	The Law .....	4
3.	DBS Disclosures .....	5
4.	Enhanced Disclosures.....	5
5.	Update Service .....	5
5.1	Joining the update service .....	5
5.2	Lost certificates .....	6
5.3	Monitoring certificate status .....	7
5.4	Certificate status changes.....	7
5.5	Update frequency .....	8
5.6	Status Checks .....	8
5.7	Early confirmation checks .....	10
5.8	Update service and filtering rules.....	10
5.9	Update service and sensitive applications.....	10
5.10	Renewing your subscription to the update service .....	11
6.	DBS checks required by Hatton Academies Trust.....	11
6.1	Employees .....	11
6.2	Volunteers.....	11
6.3	Members / Directors / Academy Representatives .....	13
6.4	Visitors .....	13
6.5	Trainee/Student teachers .....	13
6.6	Contractors .....	13
6.7	Supply Teachers .....	13
6.8	Consultants and Inspectors.....	14
6.9	Local Authority staff and other organisations .....	14
6.10	Peripatetic staff.....	14
6.11	Candidates on interview .....	14
6.12	Other visitors.....	14
7.	Barred List Check.....	15
8.	Out of school hours and Extended School .....	15

9.	Pupils Offsite .....	16
9.1	Residential trips and visits .....	16
9.2	Pupils on regular visits to college/other schools .....	16
9.3	Pupils in taxis.....	16
10.	Work Experience .....	16
11.	When may a Disclosure not be necessary?.....	17
12.	Individuals who have lived or worked outside the UK.....	18
13.	Tier 2 Visa Applicants .....	19
14.	Action if a DBS check shows a criminal record (conviction, caution, reprimand or bindover) 19	
15.	Risk Assessment .....	20
16.	Commencing employment prior to receiving Disclosure information .....	21
16.1	Supervision.....	21
16.2	Where a DBS Disclosure indicates cause for concern.....	21
17.	Information Sharing .....	21
18.	The DBS code - obligations.....	22
19.	Handling the Disclosure information .....	23
20.	Policy Statement: Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.....	23
21.	Policy Statement on the Recruitment of Ex-offenders .....	24
	Appendix 1 .....	27

## 1. Introduction

The safety and welfare of children and young people and other vulnerable groups is of paramount importance and Hatton Academies Trust is fully committed to the rigorous implementation of the Disclosure & Barring Service (DBS) procedures and arrangements.

The Trust is also committed to preventing discrimination or any other unfair treatment against employees, potential employees or volunteers on the grounds of prior convictions / offences that does not create a risk to children or vulnerable adults, in accordance with the DBS code of practice.

This document covers the Trusts policy on the vetting of staff and volunteers and information regarding the application and management of DBS checks. This information is for current employees and should be supplied as part of the Recruitment Pack to potential employees and volunteers.

## 2. The Law

Applications for DBS Disclosure checks are made under part V of the Police Act 1997 and the enabling provisions of the rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 for the purposes of asking exempted questions. This enables spent convictions to be disclosed and taken into account when considering an applicant's suitability for work with children, vulnerable adults or in certain positions of trust. This policy is written in accordance with: DfE policy guidelines, 'Working Together to Safeguard Children July 2018 and Keeping Children Safe in Education – Statutory guidance for schools and colleges September 2018; The School Staffing (England) Regulations 2009 (No. 2680), and The Home Office Revised Code of Practice for Disclosure & Barring Service Registered Persons (November 2015). Further information and guidance on this is available at [www.gov.uk](http://www.gov.uk).

The Safeguarding Vulnerable Groups Act 2006 introduced new criminal offences in relation to the engagement of barred persons and the provision of information relating to individuals. If an offence is committed by a corporate body and is proved to be committed with the consent or connivance of, or to be attributable to neglect on the part of a director, manager or other similar officer of the body or a person acting in this capacity, this will result in fines and possible imprisonment.

The Protection of Freedoms Act 2012 sets out a range of obligations for employers including the checks they are able to carry out on volunteers. Specifically, the

definition of Regulated Activity and Supervision and obtaining DBS checks for people under 16 years of age are covered.

### **3. DBS Disclosures**

The DBS provides access to Disclosure checks for employment-related and voluntary appointment purposes. Disclosure checks enable schools to make informed decisions about the suitability of candidates for a particular position.

At Hatton Academies Trust, all employees and volunteers have Enhanced DBS checks including those employed before March 2002. All employees must subscribe to the Update Service and give the Trust continued consent to carry out checks for the duration of their employment, to establish that the information released on the DBS certificate is current. The Trust will reimburse employees for the Update Service subscription fees for the duration of their employment.

### **4. Enhanced Disclosures**

An enhanced level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation plus a check of information held locally by police forces.

Upon completion, a DBS certificate will be sent directly to the employee. Employees are required to provide the Trust with sight of their DBS Certificate for verification before commencement of employment. Photocopies / scanned copies cannot be accepted.

### **5. Update Service**

#### **5.1 Joining the update service**

Only applicants who apply for a DBS check can join the update service. You can join with your DBS application form reference number or certificate number.

The Trust will notify you of your certificate number as soon as it is available, you then have 30 calendar days from your DBS certificate issue date to join the Update Service.

When you join the update service, you need to make a note of your unique subscription ID number and keep it secure; it begins with the letter C and followed with 10 randomly selected numbers. You shouldn't share this subscription ID number with anyone else because you will use it to access your update service account online. Anybody who

has access to this number will be able to view the status of your certificates and may amend your contact details without your knowledge or permission.

When you join the update service you will be able to:

- view the reference details of any applications and/or DBS certificates linked to your subscription
- view the status of any DBS certificate linked to your subscription
- amend your contact details
- add and remove applications and DBS certificates
- all applications and DBS certificates attached to your subscription must be in the same name (if you change your name you can link a new DBS certificate to your subscription if your previous name is listed on the DBS certificate application)
- if you remove a certificate you can't add it again or use it to create another update service account
- view the details of any organisations that have made a status check of your DBS certificates
- cancel your subscription
- renew your subscription
- view the status and expiration date of your subscription

Volunteer subscriptions are free of charge but if you move from a volunteer position to a paid position you will need to apply for a new DBS check, rejoin the update service and pay the annual fee of £13 by credit or debit card (refundable by the Trust for the duration of your employment).

You cannot add a DBS certificate for a paid position to a free subscription which was created with a DBS certificate for a voluntary position; you would need to create a new subscription for the paid-for DBS certificate.

You can add a DBS certificate for a volunteer position to an update service account that was set up for a paid position certificate.

## **5.2 Lost certificates**

Keep your DBS certificate safe and secure because the DBS Service will not issue replacement certificates.

If you have not received your DBS certificate and their tracking service confirms it was issued more than 7 days ago - you can call the DBS directly on 03000 200 190.

## 5.3 Monitoring certificate status

Once an update service subscription is in place, the DBS will keep your DBS certificate up to date by regularly searching to see if any new information has come to light since its issue. If new information is identified when they carry out the checks, you will receive a letter notifying you of the change and what you should do next.

Your DBS certificate status will change if:

### For all DBS certificates

- new convictions, cautions, reprimands or warnings are identified
- any amendment or change to a current conviction, caution, warning or reprimand are identified

### For all enhanced DBS certificates

- new convictions, cautions, reprimands or warnings are identified; or
- any amendment or change to a current conviction, caution, warning or reprimand are identified
- any new, relevant police information is identified

### For enhanced certificates with a barred list check(s)

- you are added to the barred list(s) that have been checked as part of an enhanced DBS certificate
- any amendment or change to a current conviction, caution, warning or reprimand are identified
- any new, relevant police information is identified
- you are added to the barred list(s) that have been checked as part of an enhanced DBS check

You can [log in](#) to your account and check the status of your certificate at any time. You can also see a list of any employers/organisations that have checked your certificate status and how many times they have checked.

## 5.4 Certificate status changes

The DBS will notify you if your status changes on a certificate that is linked to the update service. In these circumstances you must discuss the basis for the status change with the CEO of the Trust. We retain the right to ask that you get another DBS check and present the certificate to the CEO. If you do not apply for another DBS check, and/or present the certificate to the CEO, the Trust may withdraw an offer of

employment, terminate your employment or move you to another job which does not require a DBS check.

If you fail to show the CEO your new updated DBS certificate within 28 days of receiving it, the Trust may be entitled to request a copy from the Disclosure and Barring Service.

If your certificate status changed because you were convicted of an offence or were placed on a barred list(s) but you have had this removed after appealing, the status change will remain. You will need to apply for a new DBS check because your current certificate is no longer valid.

## **5.5 Update frequency**

When a person adds their DBS certificate to their update service account the DBS will keep their DBS certificate up-to-date by regularly searching to see if any new information has come to light since its issue.

Regularly means:

- criminal record conviction and barring information will be searched for updates on a weekly basis as this information can change frequently
- non-conviction information which is released on relatively few DBS certificates and changes infrequently will be searched for updates every 9 months

The frequency condition is based on the number of DBS certificates which reveal this type of information; the likely risk of new information coming to light in the time period; and the cost of checking for changes.

## **5.6 Status Checks**

You will need to give your consent to the Trust to carry out a status check. You will first need to show us your original DBS certificate (DBS check). But, the Trust can only make the status check if we can also legally request a new DBS check for the role you will be working in.

The Trust will need your DBS certificate 12 digit reference number, your name and date of birth. The Trust can then go online and carry out a status check on your existing certificate(s).

When an employer/organisation carries out a status check they will see one of the following results:

***This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.***

This means:

- the DBS certificate when issued was blank (it didn't reveal any information about the person) and
- no new information has been found since its issue and can be accepted as being current and valid

***This DBS certificate remains current as no further information has been identified since its issue.***

This means:

- the DBS certificate revealed information about the person but no new information has been found since its issue - it can be accepted as current and valid

**This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.**

This means:

- new information has come to light since the DBS certificate was issued - you will need to apply for a new DBS check to see the new information

**The details entered do not match those held on our system. Please check and try again.**

This means either:

- the person has not subscribed to the update service
- the DBS certificate has been removed from the update service
- you haven't entered the correct information

If you do not want the Trust to continue checking the status of your certificate(s), contact the CEO to withdraw your consent for any future checks.

## **5.7 Early confirmation checks**

If the status of your certificate changes the Trust may wish to submit an early confirmation check to see if it is because you have been barred from working in regulated activity.

The Trust can only carry out this check if all of the following conditions apply:

- you are subscribed to the update service; and
- a status check has indicated that the certificate is no longer up-to-date; and
- the certificate included a check of a barred list(s); and
- you have given your consent

## **5.8 Update service and filtering rules**

If you are subscribed to the update service and the DBS apply filtering rules to remove old and minor convictions, it would not cause a status change through the update service.

A status change is only prompted when there is new information to be added, or an offence needs to be changed or amended, or because you have become barred, whereas an offence being filtered out would mean a removal of information from your certificate.

## **5.9 Update service and sensitive applications**

If you are a transgender applicant and join the update service your previous gender and identity will be protected unless you have given permission for your DBS certificate to contain this information.

## 5.10 Renewing your subscription to the update service

Subscriptions last for 1 year from the date of issue on your DBS certificate - you can keep renewing to continue enjoying the benefits of the update service. The subscription fee will be reimbursed by the Trust for the duration of your employment.

If you join the update service then wish to cancel your account the fee will be non-refundable. Your fee can only be refunded if you joined with your application form reference number and we didn't receive your application form within 28 days or your DBS check application is withdrawn.

Your subscription will continue even if all DBS certificates are removed from the account. If the subscription is not renewed at the end of the subscription period the account will close.

Any DBS certificate attached to a closed account will be removed and organisations will no longer be able to carry out status checks. If a subscription lapses you will have to apply for a new DBS check and then re-subscribe to the update service.

Further information can be found on <https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>

## 6. DBS checks required by Hatton Academies Trust

### 6.1 Employees

Enhanced DBS clearance is required for all employees and will be obtained on their behalf by the Trust.

### 6.2 Volunteers

The treatment of volunteers within Trust academies under this guidance depends on whether the activities undertaken by the volunteer qualify as regulated activity or not.

In accordance with the DfE document "Regulated Activity in relation to Children: Scope", regulated activity (i.e. work that a barred person must not do) in relation to children comprises:

- Unsupervised Activities; teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children.
- Work for a limited range of establishments (specified places) with opportunity for contact e.g. schools, children's homes, childcare premises

Work under the above is only regulated if done regularly (e.g. once a week or more often or on 4 or more days in a 30 day period)

a) Volunteers in Regulated Activity

In accordance with Keeping Children Safe in Education September 2018, paragraph 162, for volunteers within Trust academies who are employed in regulated activity, the Trust will require an enhanced DBS certificate (which should include barred list information).

b) Volunteers not in Regulated Activity

Where volunteers are supervised in the course of their activities within Trust academies, in accordance with Keeping Children Safe in Education September 2018, paragraph 163, the Trust may obtain an enhanced DBS certificate (not including barred list information). The Trust recognises its legal obligation not to request barred list information on a supervised volunteer.

In accordance with Keeping Children Safe in Education September 2018, paragraph 164, for volunteers not in regulated activity, the Trust will undertake (and document) a risk assessment and use its professional judgment and experience, taking account of the following when deciding whether an enhanced DBS certificate is necessary:

- The nature of the work with children
- Local intelligence about the volunteer (e.g. formal and informal information provided by staff, parents and other volunteers)
- Whether the volunteer has other employment / voluntary activities and references can be provided
- Whether the role is eligible for an enhanced DBS check

In accordance with Keeping Children Safe in Education September 2018, paragraph 165, the Trust will determine whether a volunteer is supervised and the appropriate level of supervision. To be considered to be supervised the supervision must be:

- By a person in regulated activity
- Regular and day to day, and
- Reasonable in the circumstances to ensure the protection of children.

## **6.3 Members / Directors / Academy Representatives**

Enhanced DBS clearance is required for all Members, Directors and Academy Representatives will be obtained on their behalf by the Trust.

## **6.4 Visitors**

All Visitors, over the age of 16, to the Trust Academies that have unsupervised access to pupils must provide evidence of clear enhanced DBS (less than 3 years old)

## **6.5 Trainee/Student teachers**

Where teacher/student teachers are salaried by the Trust, the Trust will ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) will be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks:- a criminal record check, including barred list information, and rigorous checks in line with the Childcare Disqualification Regulations. Academies should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

## **6.6 Contractors**

Any contractor, or any employee of the contractor, who is to work at a Trust Academy, must be subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

## **6.7 Supply Teachers**

Supply teachers must have been checked before working in the Trust. This is done in advance of their engagement by the Personnel Manager/Principal by working with the employing agency and verifying staff through photographs. Supply agencies must provide the Academy with compliance checking details prior to commencement of a booking to include:- identity, confirmation of enhanced DBS, Children's Barred List, qualifications & QTS, right to work in the UK, Childcare Disqualification Regulations.

## **6.8 Consultants and Inspectors**

Consultants and Inspectors must have their enhanced DBS clearance with them and a letter/document from the appropriate authority to prove their status before being given unsupervised access to children. Photo ID may also be required.

## **6.9 Local Authority staff and other organisations**

Local Authority staff and those from other organisations working with the Trust should be asked for their DBS clearance or verification of Local Authority status, and the visit checked with the relevant member of staff they are visiting before they are given unsupervised access to children. The Senior Leadership Team of the Academy will ensure that all organisations working within the Academy meet these requirements and these are confirmed in writing.

## **6.10 Peripatetic staff**

Peripatetic staff are employed by the Northamptonshire Music and Performing Arts Trust and are covered by 5.9 above. Their DBS clearance details are kept on the Academy's Approved Visitor List.

## **6.11 Candidates on interview**

The Trust asks all candidates to bring a current DBS and proof of identity. If these are provided and checked as being in order, the candidate may walk around the site unaccompanied for interviews and will be classed as an 'Approved Visitor'. If this is not the case the candidates will be given supervised access only to the site.

## **6.12 Other visitors**

Other visitors with access to children such as school photographers and trainers must also have a current enhanced disclosure either provided by the employing organisation with proof of identity or obtained by the Trust.

If the visitor is not able to meet these requirements then supervised access only to the site and its pupils will be given. Such visitors will be accompanied at all times by a member of staff. For full details of visitor procedures please refer to the Trust's Visitor policy.

The Trust makes a determined effort to keep unauthorised adults from entering Trust sites and its buildings. Staff are expected to challenge any adult seen without an Academy 'Visitor' badge, or an adult with a red visitors badge who is not supervised. The Trust's security systems aim to make unauthorised entry to the buildings as difficult as possible.

## 7. Barred List Check

For most appointments, a barred list check will also be required as the majority of staff and volunteers will be engaging in regulated activity.

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a factual note on Regulated Activity in relation to Children:

### **Regulated activity includes:**

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly.

Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional

## 8. Out of school hours and Extended School

Any person involved in delivering any activity to children or vulnerable adults on a trust academy site out of school hours must have had an Enhanced DBS disclosure within the past three years. Evidence of enhanced disclosure must be sought before the activity is planned and agreed to take place. This includes:

- after school clubs and events organised by a trust academy or Home School Association / PTA (responsibility for obtaining disclosure lies with the Academy or HSA/PTA)

- community school type activities where other schools come to an academy to take part in a collective activity (e.g. School sports co-ordinator activities and competitions). Responsibility for disclosure lies with the Trust employee organising the activity.
- activities delivered by external organisations who have hired the trust academy as a venue for their activity (e.g. Lettings). Responsibility for obtaining disclosure lies with the Academy employee responsible for the management of lettings.

All external organisations will be responsible for the cost of the enhanced disclosure. The Trust will only routinely fund disclosures for its employees, Directors / Academy Representatives and home school association/PTA members.

## **9. Pupils Offsite**

### **9.1 Residential trips and visits**

Pupils must be accompanied by the academy staff at all times. Where this is not practical or pupils being given free time which is unsupervised this must be agreed with the Trips Co-ordinator and parents of the pupils and risk assessed in documentary form. Where pupils are with staff from other organisations and they require unsupervised time with students as part of the visit, an enhanced DBS clearance for such staff must form part of the visit procedures and risk assessment.

### **9.2 Pupils on regular visits to college/other schools**

The trust academy will check with the receiving school/college that their DBS requirements meet the high standards required by Hatton Academies Trust. The Principal/Vice Principal will ensure that a list of these institutions and confirmation of their DBS arrangements are kept with the central record.

### **9.3 Pupils in taxis**

Where pupils travel in taxis arranged by a trust academy e.g. pupils being transported to school, pupils in care, or on hospital out-reach, the trust academy will ensure that the taxi company has Enhanced DBS clearance for its drivers or will obtain them on their behalf. The Principal / Vice Principal will ensure that this list is up to date.

## **10. Work Experience**

Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The Trust will consider the specific circumstances of the work experience. Consideration must be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the Trust could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

The Trust are not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

## **11. When may a Disclosure not be necessary?**

It is not necessary to obtain a DBS disclosure for visitors who will only have contact with the children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other schools. However, it is required practice that visitors sign in and out, and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer.

The following are examples of when a DBS disclosure is not usually required

- Visitors who have business with the CEO or other staff or who have brief contact with students in the presence of a teacher. Such visitors should not be allowed to wander freely and unescorted on the school site.
- Visitors who come on site only to carry out emergency repairs, ad hoc repairs or to service equipment occasionally and where this work is undertaken during school holiday periods when there are no students on site.

- Secondary pupils on short-term work experience placements as part of Key Stage 4 work experience (see work experience in Section 4e above).
- Pupils from other schools on KS4 work experience in or from other schools or nursery classes.
- Pupils undertaking work in school as part of a voluntary service, citizenship or vocational studies
- Pupils from other schools in connection with a short careers or subject placement.
- Volunteers or parents who accompany staff and pupils on one off outings or trips that do not involve an overnight stay, or who help out at one off specific events e.g. sports days or music festivals.
- Parents of pupils participating in Sports Days

### **12. Individuals who have lived or worked outside the UK**

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff, volunteers and governors. In addition, the Trust must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered (eg an overseas police check). These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the TRA Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, the Trust will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

There is no requirement for a school to carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked:

- In a school in England in a post:
  - o which brought the person regularly into contact with children or young persons; or
  - o to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or

- in an institution within the further education sector in England, or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. The employee will be required to complete an enhanced DBS application and the Trust will undertake an ongoing, continuous and dynamic risk assessment of all staff during their employment.

For further details the DBS provides an overseas Information Service at [www.gov.uk](http://www.gov.uk). In cases where a criminal record check is not possible, particular care should be taken with the other required checks, especially those of identity, qualifications and satisfactory references. As outlined in the School Staffing (England) Regulations 2009, the Chief Executive Officer must ensure that these checks are amongst those which must have been undertaken before an appointment is made.

### **13. Tier 2 Visa Applicants**

Tier 2 visa applicants who are applying for a post in an occupation defined by the relevant Standard Occupational Classification (SOC) code, will need to provide a criminal record certificate from any country they have lived for 12 months or more in the past 10 years at the time of the visa application. Failure to do so may result in refusal of the visa application being refused. Relevant SOC codes can be found on the Home Office website.

### **14. Action if a DBS check shows a criminal record (conviction, caution, reprimand or bindover)**

An applicant's suitability should be judged in the light of the results of all the relevant pre-appointment checks carried out on him or her. The fact that a person has a criminal record does not automatically make him or her unsuitable for work with children. The CEO / Director of Finance & Operations have delegated authority from the Board of Directors to make a judgement about suitability, taking into account only those offences which may be relevant to the particular job in question. A risk assessment should be completed (Appendix 1).

As part of this risk assessment, the CEO/Director of Finance and Operations will consider convictions against the Childcare (Disqualification) Regulations 2009, which may preclude potential employees from working with children under 8 years of age.

In deciding the relevance of convictions a number of points should be considered:

- i) **The nature of the offence:** In general, convictions for sexual, violent or drug related offences will be particularly strong contra-indications for work in a Trust Academy
- ii) **The nature of the appointment:** Often the nature of the appointment will help to assess the relevance of the conviction. For example, serious sexual, violent, drug or drink offences would give rise to particular concern where a position was one of providing care. Driving or drink offences would be relevant in situations involving transport of children;
- iii) **The age of the offence:** Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for continuing concern than, for instance, an isolated case of dishonesty committed when the person was young. The potential for rehabilitation must be weighed against the need to protect children;
- iv) **The frequency of the offence;** A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

## 15. Risk Assessment

A risk assessment (Appendix 1) should be undertaken where a visitor, volunteer, parent or other stakeholder working with or supervising students has no DBS disclosure and where the work cannot be reasonably delayed. A risk assessment will also take place if the DBS return shows a criminal record. In undertaking this risk assessment, the CEO or Director of Finance & Operations should take account of the following factors:

- What the academy knows about the person, including informal and formal information offered by staff, parents or other volunteers
- Whether the person is well known by others in the local or academy community who are likely to be aware of behaviour that could give cause for concern
- Whether the person has other employment, or undertakes voluntary activities where referees can advise on suitability
- A clear Barred List check must be in place and official photo identification provided (e.g. driving licence or passport) in order that date of birth and surname can be verified
- The nature of the work being undertaken

- Appropriate controls and supervision arrangements that can be implemented

## **16. Commencing employment prior to receiving Disclosure information**

Where a DBS disclosure is required, it should be obtained before an individual begins work and the request for a DBS disclosure must be submitted in advance of the individual commencing in post. The CEO has discretion to allow an individual to begin work within the Trust pending the receipt of the Enhanced DBS Disclosure but must ensure that the individual is appropriately supervised and that all other checks, including Barred List check and a full risk assessment have been completed.

### **16.1 Supervision**

Appropriate supervision for individuals who start work prior to DBS clearance should reflect what is known about the person concerned, their experience, the nature of their duties, and the level of responsibility they will carry. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate. For all staff without completed DBS Disclosures it should be made clear that they are subject to this additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision should be reviewed regularly, (ie at least every two weeks) until the DBS Disclosure is received and assessed as satisfactory.

### **16.2 Where a DBS Disclosure indicates cause for concern**

The member of staff must be immediately withdrawn from the trust academy pending further enquiries. In these circumstances the CEO and Academy Principal will confer. The offer of employment to the individual and any subsequent employment arising from the offer will be conditional and subject to a Disclosure check that is satisfactory to the CEO. This check should normally be received during the employee's probationary period. Where DBS clearance is not returned during this period, employment can only continue if the probationary period is extended and the supervision arrangements remain in place.

## **17. Information Sharing**

The Trust has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.

Where a teacher's employer, including an agency, ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

## **18. The DBS code - obligations**

18.1 As the Trust's recipient of Disclosure information, the CEO on behalf of the Board of Directors shall:

- Observe guidance issued or supported by the Disclosure & Barring Service ("The DBS") on the use of Disclosure information- and, in particular, recipients of Disclosure information shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

18.2 In the interest of the proper use of Disclosure information and for the reassurance of persons who are the subject of Disclosure information, the Chief Executive Officer shall:

- Have a written policy statement on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested (see below);
- Ensure that a body or individual who request applications for Disclosures have a written policy and, if necessary, provide a model for that body or individual to use.

18.3 In order that persons who are, or who may be, the subject of Disclosure information are made aware of the use of such information and shall be reassured, the CEO shall:

- Ensure that application forms for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;
- Include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position in the Trust, in order to reassure applicants that Disclosure information will not be used unfairly;

- Discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment;
- Make every subject of a Disclosure aware of the existence of this Code of Practice, and make a copy available on request; and
- In order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

## 19. Handling the Disclosure information

The CEO as the Recipient of Disclosure information:

- Must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, to be unauthorised is an offence;
- Must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties;
- Must securely store Disclosures and the information that they contain;
- Should retain neither Disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In general, this should be no later than 6 months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved this period exceeded only in very exceptional circumstances which justify retention for a longer period

## 20. Policy Statement: Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

20.1 As an organisation using the Disclosure & Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Hatton Academies Trust complies fully with the DBS code of practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with the obligations under the Data Protection Act 1998 and GDPR and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information and has a written

policy on these matters which is available to those who wish to see this on request.

- 20.2 Storage and Access - Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- 20.3 Handling 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. We maintain a record of all those to whom Disclosures or Disclosure Information has been revealed. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 20.4 Usage - Disclosure information is only used for the specific purpose for which it was requested and for which the applicants' full consent has to be given.
- 20.5 Retention - Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than 6 months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.
- 20.6 Disposal - Once the retention has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of the Disclosure, the name of the subject, the type Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the disclosure and details of the recruitment decision taken.

## **21. Policy Statement on the Recruitment of Ex-offenders**

- 21.1 As an organisation using the Disclosure & Barring Service (DBS) to assess applicants' suitability for positions of trust, Hatton Academies Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

- 21.2 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 dependents, age, physical/mental disability or offending background.
- 21.3 We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates. We select all candidates for interview based on their skills, qualifications and experience.
- 21.4 A Full Enhanced Disclosure is required for **all posts** in the Trust. Our application pack contains a statement that an Enhanced Disclosure will be requested in the event of the individual being offered the position.
- 21.5 We encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the CEO / Principal and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 21.6 The Rehabilitation of Offenders Act 1974 provides that if a convicted person completes a specific period without being convicted of further offences the conviction may be regarded as being 'spent'. These sentences do not have to be revealed and may not be used as grounds for exclusion from employment. However, jobs that involve work with children and vulnerable adults are exempt from the provisions of the Act. In practice this means that for all posts at Hatton Academies Trust, applicants are required to disclose any criminal convictions when applying for a post. Disclosure of convictions, either by the applicant or as a result of the DBS check, will not necessarily exclude an individual from employment. Employment decisions will have regard for the nature of the offence committed.
- 21.7 We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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.
- 21.8 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.
- 21.9 We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

- 21.10 We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- 21.11 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. The CEO will discuss the situation with the Chair of the Board of Directors before making a decision. Information will be treated sensitively and only disclosed to those people who require this information to make these decisions. The decision is final and will be noted in the Academy's recruitment records.

**Appendix 1**  
**RISK ASSESSMENT**

1. Employee starting work before the receipt of the DBS clearance  }
2. DBS certificate shows a declaration  }
3. Employee was born abroad or previously worked abroad  }

<b>Name of Employee/volunteer</b> <i>Click here to enter text.</i>	<b>Post/role in &amp; name of Academy</b> <i>Click here to enter text.</i>
<b>Start date/proposed start date</b> <i>Click here to enter text.</i>	<b>Person(s) making/made the appointment</b> <i>Click here to enter text.</i>
<b>1. Employee starting work before the receipt of the DBS Clearance</b>	
The nature of the appointment	<i>Click here to enter text.</i>
Details of pre-employment checks completed	<i>Click here to enter text.</i>
<b>2. DBS Certificate shows a declaration</b>	
The nature of the offence	<i>Click here to enter text.</i>
The age of the offence (s)	<i>Click here to enter text.</i>
The frequency of the offence(s)	<i>Click here to enter text.</i>
<b>3. Employee was born abroad or previously worked abroad</b>	
<p>In the 3 months prior to appointment, has the applicant worked</p> <ul style="list-style-type: none"> <li>• In a school in England in a post which brought them into regular contact with children <input type="checkbox"/></li> <li>• In an institution within the FE sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young people <input type="checkbox"/></li> <li>• Clear List 99 &amp; DBS check received <input type="checkbox"/></li> <li>• Good reference received from previous employer <input type="checkbox"/></li> </ul> <p>(please tick)</p>	
<p><i>Overseas Police Check Required</i> <input type="checkbox"/> <i>yes</i> <input type="checkbox"/> <i>no</i></p>	
Decision made & names of staff and/or Directors involved in the decision	

Signed \_\_\_\_\_ Date \_\_\_\_\_

**NB. Only the Chief Executive Officer or Director of Finance & Operations may sign and agree this form**