



Disclosure and Barring Services (DBS) Policy

Date: July 2017
Adopted: September 2017
Review: July 2018



This policy has been adopted by Christ the King Catholic Collegiate (CtKCC) Multi Academy Company (MAC) for the purposes of detailing the approach to using Disclosures & Barring Service (DBS) Checks (formally known as Criminal Records Bureau (CRB)) and implications arising from their use for employees, volunteers and Directors. It relates to checks carried out upon recruitment and during the life time of their employment, placement or Board representation.

1. Introduction

- 1.1 The DBS check searches personal details provided by applicants, employees, volunteers and Directors/Academy Representatives against criminal records and other sources. The DBS check will either confirm that the person named either doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether they have been barred from working with vulnerable groups. The police can also include non-conviction information, for example, fixed penalties, that may be relevant.
- 1.2 Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. Therefore we have a legal responsibility to ensure we have a relevant exemption before requesting this from an applicant / employee / volunteer / Director or risk withdrawal of our right to request DBSs in future, and potential prosecution. Also under the Protection of Freedoms Act 2012 we have a legal responsibility to ensure we carry out checks on

any one engaged in Regulated Activity but only carry out checks for those individuals of the appropriate barring list for the groups they are working with.

2. Background

2.1 DBS Checks have been used for many years as an aid to recruitment for certain posts where trust and confidence are vitally important to the role. More recently the range of posts eligible for DBS has been extended in response to the Safeguarding Vulnerable Groups Act 2006.

2.2 There are two levels (4 types) of DBS check available: Standard and Enhanced.

a. Standard DBS Check

These apply to positions and professions exempted under the Rehabilitation of Offenders Act. Groups include those involved regularly with: children, young people, the elderly, sick or disabled, the administration of the law and other sensitive areas or positions of trust.

Standard checks contain details of an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes 'spent' and 'unspent' convictions. These are shown on a criminal records check.

To be eligible for a standard level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

b. Enhanced DBS Check

Enhanced checks are for posts that involve a far greater degree of contact with vulnerable groups including children. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Enhanced checks are also issued for certain gaming and licensing purposes and judicial appointments.

An enhanced check contains the same details as a standard check, together with any information held locally by police forces that a Chief Officer reasonably believes to be relevant to the post applied for and considers ought to be disclosed.

To be eligible for an enhanced level DBS check, the position must be included both in the [ROA Exceptions Order](#) and in [Police Act Regulations](#).

c. Enhanced Disclosure + barred list check (child)

d. Enhanced Disclosure + barred list check (adult).

An enhanced check with information from the DBS's children's/adults barred lists is only available for those individuals engaged in regulated activity with vulnerable groups and a small number of posts as listed in the Police Act Regulations.

- 2.3 All DBS checks conducted by CtKCC are to be 'Enhanced Disclosures' or 'Enhanced Disclosure + barred list check (child)' for all staff.

3. Eligible Posts

- 3.1 The Disclosures & Barring Service provides guidance on all the eligible roles and types of roles that are exceptions to the Rehabilitation of Offenders Act 1974. This guidance is reviewed and updated on a regular basis, with the most up to date guidance available on the [GOV.UK website](https://www.gov.uk).

- 3.2 DBS clearance should be a requirement of any post meeting any one of the following criteria:

- a. Has unsupervised access to children or vulnerable adults (regardless of regularity or duration);
- b. Has supervised access to children or vulnerable adults on a regular basis;
- c. Is based within a setting regularly occupied by children or vulnerable adults (regardless of direct access or nature of role), e.g. school, residential establishment, community center, leisure center, park, unless the presence is exclusively before or after children/vulnerable adults are on the premises;
- d. Entails visits to domestic residences, or has indirect contact with children or vulnerable adults via the telephone or internet;
- e. Has substantial access to highly sensitive personal details relating to the care of children or vulnerable adults. The "care of" refers to health, social care, looked after children, etc., as opposed to general data such as contained within registers and databases.

- 3.3 The criteria apply equally to all types of employment, whether or not an established post, such as permanent, temporary, casual, supply, volunteer or unpaid. If agencies are used, agency staff must be subject to the same checks as permanent staff, and it will be up to the HR administrator to obtain and record confirmation from the agency that clearance has occurred.

4. Returned Traces

- 4.1 All current employees are covered by a specific clause in their employment contract to notify their respective Headteacher who is to inform the CtKCC Accounting Officer of any charges or convictions brought against them. Clearly where a role is subject to a satisfactory DBS check this clause becomes critical in determining what action should take place.

- 4.2 Depending on the nature of the offence CtKCC will determine whether:

- a. the charge or conviction is such as to affect, or be likely to affect, the suitability of the employee for the position in which he/she is employed,

- b. or the business or reputation of the Employer,
 - c. or where the existence of the charge or conviction could, in the opinion of the CtKCC Board of Directors, otherwise seriously undermine the trust and confidence that the Employer has in the employee.
- 4.3 Criminal charges or convictions for offences of dishonesty or violence committed outside working hours may result in disciplinary proceedings being taken against the employee up to and including summary dismissal. Employees are to notify their Headteacher and the CtKCC Accounting Officer immediately if they are subject to any criminal charges, cautions or convictions to enable the employer to assess risk and determine if any further action may need to be taken. Failure to disclose this information may also result in disciplinary action.

5. Recruitment

- 5.1 Where a DBS check is required prior to appointment, appropriate text is to be included in the advert for the post. The text must clearly state that appointment of the selected candidate is subject to a satisfactory Enhanced DBS check. General information is to be made available to applicants as part of the application pack.
- 5.2 As a Registered Body, CtKCC must establish the true identity of the applicant, through the examination of a range of original documents as set out by the DBS. This will be carried out by the Academy Bursar/Business Manager and a certified copy of the document will be taken. Copies of the documents are to be passed to the MAC HR administrator who is the person responsible for tracking DBS applications and their outcome. Certified copies will be retained as per paragraph 6 below.
- 5.3 All applications for DBS checks on behalf of CtKCC are to be initiated by the individual and completed by the MAC HR administrator using the certified copies of the original proof of identity provided by the applicant.
- 5.4 Once the check is complete, the DBS will send a certificate listing the results to the applicant and CtKCC will be notified by e-mail of a 'clear' result only. The CtKCC HR administrator will ask the applicant for sight of their original DBS certificate in all instances where the check is 'not clear'. Details of the proof of ID and DBS check result will be recorded on a database (see paragraph 6.4 below). The DBS will not provide a copy of the certificate to CtKCC.
- 5.5 If CtKCC is satisfied with the information contained in the DBS certificate, the Contract of Employment will state that the position to which the individual has been appointed is subject to a DBS check and will require the employee to inform the Headteacher and CtKCC Accounting Officer of any subsequent criminal convictions, cautions, reprimands and warnings. It will also detail the consequences of failure to do so which may include termination of employment.
- 5.6 Where a trace is returned during recruitment the recruiting manager and Headteacher (or delegated representative) having taken advice from the CtKCC HR Consultant and safeguarding lead will make a decision on these factors for recruitment and may decide not to appoint. Having a conviction will not necessarily

bar individuals from working for CtKCC and each disclosure is assessed individually. Each individual case will be considered with reference to the sentence, severity and nature of the offence and the potential risk to children.

6. Retention of Documents

- 6.1 As an organisation using the Disclosures & Barring Service to help assess the suitability of applicants for positions of trust, we comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. We also comply fully with our obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.
- 6.2 All documents used to support the DBS process are retained securely in a lockable, non-portable cabinet with access limited to the HR administrator and the CtKCC Accounting Officer PA.
- 6.3 All documents used to support the DBS process are destroyed 6 months following appointment. Documents for unsuccessful candidates are destroyed immediately after the recruitment process is completed.
- 6.4 A Record of all DBS applications, their outcome and (where appropriate) employment details will be retained at each academy for all employees, volunteers, Local Academy Representatives, Directors and agency/service staff. This is known as the Single Central Record (SCR) which is an Ofsted requirement. A master copy for all of CtKCC will be held by the MAC Office. All records including the SCR have restricted access.

7. Further Guidance

Further guidance on the need for a DBS check in all circumstances is to be obtained from the CtKCC HR Consultant (via the HR administrator) in the first instance.