

PROVIDE EDUCATION DISCLOSURE AND BARRING SERVICE (DBS) POLICY

Policy Statement

The safety of children and young people is paramount, and Provide Education is committed to implementing the Disclosure and Barring (DBS) procedures and arrangements. We will comply with the DBS Code of Practice and National Care Standards guidance regarding the correct handling, use, storage, retention and disposal of Certificates.

The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to the criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The CRB and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS) in December 2012.

The DBS Code of Practice requires all registered bodies to have a written policy and procedure on the recruitment of people with a criminal record (1). The Recruitment and Employment Confederation (REC) requires the agency to have a written policy and procedure on the recruitment of people with a criminal record (1) and to ensure anyone applying for a job at the school receives a copy. Provide Education are committed to the principal of equal opportunities and, subject to the overriding consideration of protecting children; we will endeavour to prevent unfair discrimination against those with a criminal record.

As members of the REC, we are required to:

- Carry out a status check for new candidates that register, or, if they are not subscribed to the Update Service, ask them to apply for a new DBS certificate.
- Use the Update Service to carry out a status check at least every 12 months (or ask candidates to apply for a new certificate if they are not subscribed to the Update Service)

Procedure

There are two different levels of Certificate:

Standard Certificates contain details of all convictions (2) on record (including spent convictions (3)) plus details of any cautions, reprimands or warnings. Information obtained on the government lists is of people considered unsuitable to work, or gain access to sensitive information relating to children/young people.

Enhanced Certificates involve an extra level of check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Education and Department of Health, where appropriate. The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced Certificate.

Recruitment of Staff

Provide Education are an equal opportunities employer. It is our aim to request applicants to disclose certain information regarding any previous criminal records they may hold. Having a criminal record will not necessarily bar applicants from working in schools. All information declared will only be considered in the light of its relevance to the post for which they are applying. It will depend on the circumstances, background of the offence(s) and the time elapsed. In most cases a particular conviction will be of no relevance and can be disregarded for the purpose of the application. Candidates must clearly state on their application form any unspent convictions or cautions. Provide Education comply with the DBS Code of Practice.

All candidates will be required to complete an enhanced disclosure. This asks for a declaration by the applicant to disclose any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance. Those who are subscribed to the DBS Update Service will have a status check performed on the relevant DBS certificate.

If a candidate declares any unspent convictions/cautions at registration which would not be filtered in line with current guidance and is relevant to the post for which they are applying, they would be deemed unsuitable to be placed in a school and their application would be withdrawn.

Renewal of DBS Certificates

The guidance for schools makes the following reference to DBS checks:

“A DBS certificate must be obtained from the candidate before or as soon as practicable after appointment. Alternatively, if the applicant has subscribed to it and gives permission, the school or college may undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check; this will allow them to reuse this check when applying for similar jobs. With the individual’s consent, their employer can go online and carry out a free instant check to see if a new certificate is required”

Under previous DfE statutory guidance for schools, CRB checks were described as having a three year shelf life. This guidance has been repealed. The DBS states that DBS certificates have no end date. This means that consideration now needs to be given to how long individuals should be able to rely on an existing DBS certificate before a fresh status check is carried out or a new certificate is obtained. Provide Education perform status checks on all certificates subscribed to the Update Service. These checks are carried out at least every 6 months.

DBS certificates become invalid if the candidate has a gap of three months or more in education based employment (excluding the 6 week summer break for schools). In these circumstances a new disclosure certificate must be obtained if the current certificate cannot be verified by the candidate's subscription to the Update Service.

Check on Staff Recruited from Abroad

If an applicant has not previously lived in the UK, no purpose will be served by seeking a DBS check on arrival. The person will not have a criminal record in this country, nor will he/she appear on the Barred List or the Protection of Children's Act List. If the teacher has lived in this country previously, a Barred List Check can be done immediately. Those who have not lived here previously should contact their embassy to seek a letter of good conduct. Where an applicant is from a country where criminal record checks cannot be made, extra care must be taken in taking up references and conducting other background checks including asking probing questions at interview. Provide Education will also make an application for an enhanced DBS Certificate as part of our recruitment process.

Storage and Access

Certificate 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.

Handling

In accordance with section 124 of the Police Act 1997, certificate 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 certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

In addition, organisations that require retention of certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. This practice will need to be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR), and incorporated within the individual organisation's policy on the correct handling and safekeeping of DBS certificate information.

Usage

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

DBS checks showing criminal convictions or cautions must be faxed securely to a school so that they can confirm that they are willing to accept the work seeker.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate 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 certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

1. A criminal record is a record of a person's convictions, whether spent or unspent, under the Rehabilitation of Offenders Act 1974, cautions, reprimands, final warnings and other non-conviction information such as acquittals.
2. A criminal conviction is a finding of guilty by a criminal court. Criminal convictions form part of the criminal record.
3. Spent convictions happened sometime ago and normally no longer need to be revealed. The Rehabilitation of Offenders Act 1974 gives people with criminal records the right not to disclose them after a rehabilitation period. However, there are exemptions and Provide Education has the right to ask employees and those offered employment for such information.
4. A Barred List check ISA DfeS list of people who are banned from working with children (s.142 check)

Adult and Child Workforce

Child workforce checks are mandatory for our enhanced DBS applications. Adult workforce checks are required in addition when an agency worker will be working in relevant regulated activity with adults. We refer to the DBS guide to relevant workforce roles prior to submitting a DBS application. The REC also have guidance on this.

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APPENDIX A – FREQUENTLY ASKED QUESTIONS

How long does it take to receive my DBS Certificate?

On average the process can take 3-4 weeks (but may take longer if you have lived at various addresses).

What do I receive from the DBS?

You will receive a certificate from the DBS stating whether or not you have a police record and, where appropriate, will confirm that your details have been checked against the list of those banned from working with vulnerable adults or children. In order for Provide Education to verify the DBS certificate you must contact head office for them to take a copy.

Is my DBS Certificate portable?

Yes, if you register with the DBS Update Service. Further details can be found at <https://www.gov.uk/dbs-update-service>

What happens if I have a previous conviction(s)?

Having a criminal record will not necessarily stop you from working with Provide Education. This will depend on the circumstances and background of the offence(s) and the time elapsed.

What happens if I have a criminal conviction during employment?

It is important, if you have a criminal conviction, that you disclose this information to Provide Education as soon as possible. You will be asked to attend an interview to explain the background and circumstances regarding the conviction.

Who will know about my criminal record?

If a criminal record is revealed through a DBS check, the Managing Director and the HR Manager will know the details of the convictions.

The information on my Certificate is wrong – what can I do?

If you think that any information contained on your Certificate is wrong, please contact the DBS Certificate Dispute line on 0870 9090 778 who will advise on their dispute procedures.

Can I refuse to apply for a Certificate?

It is compulsory to check your details against the list of people banned from working with children. Provide Education is obliged to insist on a DBS Certificate from all agency workers.

How long are Certificates valid?

A Certificate carries no period of validity. The information it contains reflects the position at the date of its issue. The closer this date, the more reliance can be placed on its content. For those agency workers who are subscribed to the DBS Update Service, ongoing status checks are carried out on the Certificate (minimum 6 monthly).

Do teachers from overseas need to be checked?

Yes. Overseas teachers will be treated the same as any new employee.

How long does a teacher newly arrived from overseas need to live in the country before a Certificate is carried out?

If the teacher has lived in this country previously, a Barred List Check can be done immediately. Those who have not lived here previously should contact their embassy to seek a letter of good conduct. Where an applicant is from a country where criminal record checks cannot be made, extra care must be taken in taking up references and conducting other background checks including asking probing questions at interview. Provide Education will also make an application for an enhanced DBS Certificate as part of our recruitment process.

What happens if a candidate has a break in education based employment?

DBS certificates become invalid if the candidate has a gap of three months or more in education based employment (excluding the 6 week summer break for schools). In these circumstances a new disclosure certificate must be obtained if the current certificate cannot be verified by the candidate's subscription to the Update Service.