



## **The Pinnacle Learning Trust**

### **Disclosure and Barring Service and The Recruitment of Ex-Offenders Policy**

#### **1. INTRODUCTION**

This policy applies to the recruitment of all posts and during their employment. The Trust is committed to safeguarding and promoting the welfare of students and vulnerable adults and expects all employees and volunteers to show this commitment.

These arrangements apply to all Trust employees including those not directly employed by the Trust, e.g. contractors, agency staff, Governors and volunteers.

The DBS Code of Practice is published under section 122 of the Police Act 1997. Organisations using the DBS checking service must comply with the code of practice. The [code of practice](#) is there to ensure organisations are aware of their obligations and that the information released will be used fairly and will not discriminate.

#### **2. POLICY STATEMENT**

##### **2.1 DBS**

The Disclosure and Barring Service helps employers make safer recruitment decisions each year by processing and issuing DBS checks for England, Wales, the Channel Islands and the Isle of Man. DBS also maintains the adults' and children's Barred Lists and makes considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity

All new staff at the Trust who have lived outside the United Kingdom are subject to such additional checks as are deemed appropriate where the required DBS Certificate is not considered sufficient to establish suitability to work with children and young people.

The Trust is also under a legal obligation to ensure that agency and third party staff have undergone the necessary checks to assess their suitability for the post. Written notification will be requested to confirm they have carried out the checks on an individual who will be working at the academy that the academy would otherwise perform. In respect of the enhanced DBS check, academies within the Trust must ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Contractors, Trainee/student teachers, volunteers, Governors will all be checked to ensure the appropriate level of DBS has been undertaken and risk assessments will be conducted where necessary.

The policy will be made available for prospective candidates, on the HR site and hard copies will be available from the HR Department upon request.

The Trust is committed to the fair treatment of its employees, potential employees 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 Trust select all candidates for interview based on their skills, qualifications and experience. 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. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs 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 Pinnacle Learning Trust 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.

This policy should not be read in isolation, but cross referenced with all relevant employment policies such as the Safeguarding Policy's for each academy and the Trust Policy and Procedure Recruitment and Selection.

This policy is made available to all DBS applicants at the start of the recruitment process.

## **2.2 Recruitment and Vetting Checks**

Safeguarding children and vulnerable adults is absolutely paramount and therefore the Trust has built good safeguarding practice into routine procedures and practice. It is vital therefore that, running in parallel with this policy, the Trust adheres to robust recruitment and vetting procedures that minimise the risk of employing people who might abuse children and vulnerable adults, or are otherwise unsuited to work with them.

The Trust ensures that the full range of checks are carried out so as to minimise the possibility of children and young people under 18, and vulnerable adults, suffering harm from those whom they consider to be in positions of trust. Recruitment and vetting checks are a key element in the work to ensure that these groups of learners are safeguarded and the risk of harm from those who are in contact with them in whatever capacity is minimised.

## **2.4 Identity**

It is important to be sure that the person is who they claim to be. There are three routes to follow in relation to the DBS identity verification process. Any applicant not able to satisfy these routes may ultimately be invited to attend a police station for fingerprinting.

## **2.5 Barred Lists**

The Barred Lists (formerly List 99) check is undertaken for staff in Regulated Activity as part of an Enhanced DBS check, before they begin work. It is also conducted separately in the cases of an intended appointee who has not yet obtained a DBS Certificate as part of the risk assessment

process for allowing for commencement of employment. The Barred List is maintained by the DBS and contains details of people whose employment in relevant employment has been barred or restricted by the Secretary of State. It is an offence for the Trust to knowingly appoint someone to a post from which they have been barred. A person whose employment has been restricted by the Secretary of State may only work in a post which does not contravene the terms of the restriction.

## **2.6 Recruitment of Ex-Offenders**

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions 1975, 2013 and 2020) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), The Pinnacle Learning 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 Pinnacle Learning Trust 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 1975, 2013 and 2020) Order and where appropriate Police Act Regulations as amended).

## **2.7 Filtering rules for DBS checks**

Disclosure rules for criminal records are commonly referred to as "filtering". Filtering is the term used to describe the process that identifies which criminal records will be disclosed on a Standard or Enhanced DBS certificate (DBS check). Certain old or minor offences may not be disclosed on DBS certificates. These are known as 'protected' offences.

There is a [list of offences](#) that will always be disclosed on a Standard or Enhanced DBS certificate (unless they relate to a youth caution). These are known as 'specified offences' and are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults.

All convictions resulting in a custodial sentence, whether or not suspended, will always be disclosed.

Youth cautions, warnings and reprimands will not be disclosed automatically on a Standard or Enhanced DBS certificate. Further information about filtering offences can be found in the [DBS filtering guide](#).

The Trust can only ask an individual about convictions and cautions that are not protected.

At interview, or in a separate discussion, the Trust ensures 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

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

## **2.8 Employing/Placing Ex-Offenders**

An Enhanced DBS check will show details of convictions, cautions, reprimands, final warnings or non-conviction information.

**It is an offence for a person barred from working with vulnerable groups including children to apply for such work and also for The Trust to knowingly employ a barred person in such a capacity.**

All applicants for posts within the Trust are required to complete a declaration of criminal record. Students enrolling on courses that require a work placement involving contact with vulnerable groups including children are informed in enrolment literature of the requirement to complete a DBS check. The applicant then has the opportunity to provide more information, in complete confidence.

If the applicant is offered the appointment, at this stage, a full risk assessment will be undertaken to determine the relevance of the criminal record to the post applied for.

Where the applicant is still under probation or youth justice supervision, the Trust reserves the right, with the applicant's consent, to seek advice from a relevant probation officer or youth justice worker about suitability for the post applied for.

The Trust also reserves the right to amend the offer of employment to allow for the outcome of the risk assessment to be implemented e.g. to temporarily amend the job description for the post so that the applicant may be given greater opportunity during their initial probationary period to demonstrate their suitability for the post.

Any subsequent decision to withdraw an offer of employment/placement because of, or partly because of, a criminal record will relate to an aspect of the person/placement specification which is seen to be unmet. In cases such as these, the applicant will be advised of why the offer has been withdrawn.

For a student, with a criminal record, applying for a DBS check in order to complete a placement as part of their study course, a separate risk assessment procedure will be followed as determined by the Department.

## **2.9 Security of Data**

The Trust complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

## **2.10 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.

## **2.11 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.

### **2.12 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.

### **2.12 Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information. However, if there is a valid reason for retaining a copy, the certificate will not be kept for longer than six months. When the information is destroyed we may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken.

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

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10.84 A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept on their HR file.

Further information on handling DBS information can be found on GOV.UK.

### **2.13 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.

## **3. RESPONSIBILITIES AND COMPLIANCE**

The policy will be reviewed by the HR Department on a regular basis in accordance with legislative developments and the need for good practice.

## **4. COMPLAINTS AND APPEALS**

Complaints in relation to the policy should follow the Trust Complaint Policy.