

# The Bishop Wheeler Catholic Academy Trust



## Policy and Procedure

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### DBS Policy & Procedure

For staff, volunteers and contractors

Published: January 2024

To be reviewed: September 2024



# The Bishop Wheeler Catholic Academy Trust




## Our Mission

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Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

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**This policy was approved by the Resources Committee on behalf of the Trust Board**

Signature: 

**Mrs D Gaskin**  
**Chair of Trust Board**

Date: 30/01/24

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## **Statement of intent**

- 1.1. The Bishop Wheeler Catholic Academy Trust (BWCAT) is committed to safeguarding and promoting the welfare of all children, staff, young people and vulnerable adults and requires all staff and volunteers to share this commitment. Ensuring the safety of our academies is of paramount importance and, as a result, this policy has been created to establish a safe environment where pupils are cared for appropriately and are free from harm.
- 1.2. The purpose of this policy is to ensure that all employees involved in the recruitment and/or management of the Trust's employees, volunteers or contractors have an understanding of the disclosure process and their responsibilities within the process. The policy aims to ensure that all reasonable steps are taken to guarantee the safeguarding of children and other vulnerable groups by minimising the risk of unsuitable people working in roles where they have access to vulnerable groups.
- 1.3. This policy applies to all staff, volunteers and contractors working within or on behalf of BWCAT.

## **2. Legal framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020
- Police Act 1997
- Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2022) 'Recruit teachers from overseas'
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2020) 'DBS filtering guide'
- DBS (2023) 'Making barring referrals to the DBS'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

This policy operates in conjunction with the following Trust policies and documents:

- Safer Recruitment Policy
- The individual Academy's Child Protection and Safeguarding Policy
- Guidance for Safer Working Practice
- Single Central Record
- Data Protection Policy
- Records Management Policy
- Disciplinary Policy and Procedure

### 3. DBS Definitions

#### **Standard DBS**

This provides information about convictions and cautions (unless they relate to a youth caution) held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

#### **Enhanced DBS**

This provides the same information as a standard check, plus any approved information held by the police which a Chief Officer reasonably believes to be relevant and considers ought to be disclosed.

#### **Enhanced DBS with barred list check**

Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list. This will include work in "specified places" such as schools and organisations also providing personal care.

The position being applied for, or activities undertaken, must be eligible for an enhanced DBS check in line with the above criteria and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. It is an offence for someone who is barred from working with a particular group (i.e., children or adults) to either apply for or to be employed in work which is defined as regulated activity for that group.

#### **DBS certificates issued on or after 28 November 2020**

The following changes to filtering rules have been made for standard and enhanced DBS certificates:

- Final warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate.
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

#### **Regulated activity**

Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- 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 the above criteria is regulated activity if it is carried out frequently by the same person or if the 'period condition' is satisfied. The period condition is satisfied if:
- The person carrying out the activity does so at any time on **more than three days in any period of 30 days.**
- If the activity is done at any time between 2:00 am and 6:00 am and it gives the person the opportunity to have face-to-face contact with children.
- Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:
- Intimate or personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability.
- Health care, i.e., care for children provided by, or under the direction or supervision of, a regulated health care professional.
- Regulated activity does not include the following:

- Paid work in specified places which is occasional and temporary and does not involve teaching and training.
- Supervised activity, which is paid, in non-specified settings, e.g., youth clubs, sport clubs.

#### 4. **Roles and responsibilities**

4.1. The Academy is responsible for:

- Approving the Headteacher's decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the Academy's single central record (SCR), ensuring its compliance with requirements.

4.2 The Headteacher is responsible for:

- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the Academy that are subject to a DBS check.
- Maintaining an up-to-date SCR.
- Ensuring that any job descriptions and person specifications for any posts within the Academy indicate whether an individual will require a DBS check, as well as what level of check is required.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the Academy, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required.
- Ensuring that new employees are aware of the DBS update service and encouraging them to subscribe to this.
- Ensuring that all relevant casual employees are aware that they must subscribe to the DBS update service as per the contract of employment i.e; exam invigilators
- Discussing any disclosure information with the Trust's HR team.

#### 5. **Procedures for Staff**

5.1. Staff who will be engaging in regulated activity will be required to obtain an enhanced DBS certificate with a barred list check. All other staff who have an opportunity for regular contact with children who are not engaging in regulated activity will be required to obtain an enhanced DBS certificate, which does not include barred list information.

5.2. Staff in management roles will be required to undergo an additional check to ensure they are not prohibited under section 128 provisions. The Academy will ensure that the details of any section 128 checks are recorded. Section 128 checks will be carried out using the Teaching Regulation Agency's (TRA) Employer Access Service.

5.3. Staff will be required to show the original DBS certificate to the Headteacher before they begin their employment or as soon as practicable after their employment begins. Where a member of staff will start work in regulated activity before the DBS certificate is available, the Headteacher will ensure the individual is appropriately supervised and that all other checks, including a separate barred list check, have been carried out.

5.4. Separate barred list checks will only be conducted in the following circumstances:

- For newly appointed staff who are engaging in regulated activity, pending the receipt of an enhanced certificate with barred list information from the DBS. However, the Academy

should ensure that the individual is appropriately supervised and that all other checks have been completed.

- Where an individual has worked in a role in an education setting that brought them into regular contact with pupils which ended not more than three months prior to that person's appointment to the organisation.

5.5 There will be no requirement for the Academy to obtain an enhanced DBS certificate or 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 individual's appointment, they have worked in:

- An academy in England which brought them regularly into contact with people under 18.
- 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 them into regular contact with children or young people.

The Academy will, however, carefully consider if it would be appropriate to request an enhanced DBS check to ensure that it holds up to date information. All other relevant pre-appointment checks will still be carried out.

5.5. For staff who work in childcare provision, or who are directly concerned with the management of such provision, the Academy will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

## **6. Existing staff**

The Academy will only carry out new checks on existing staff when:

- An individual working at the Academy moves from a post that was not regulated activity into work which is considered to be regulated activity.
- There has been a break in service of 12 weeks or more.
- There are concerns about an individual's suitability to work with children.
- Apart from the circumstances outlined above the Academy will not request a DBS or barred list check for existing staff members; however, as good practice, the Academy will require casual staff (e.g. Invigilators) to join the DBS Update Service as part of their employment contract. The Academy will obtain staff members' consent to carry out status checks on DBS certificates via the DBS update service.

## **7. Agency and third-party staff**

7.1. The Headteacher will obtain written confirmation from any agency or third-party organisation that they have carried out all the necessary DBS checks on an individual who will be working at the Academy that the Academy would otherwise perform.

7.2. In respect of the enhanced DBS check, the Academy will ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

7.3. Agencies and third-party organisations will be expected to provide the Academy with a letter of assurance confirming that their employees have an Enhanced DBS check (without barred list information if not in regulated activity / with barred list information if deemed to be in regulated activity) and that the identity of the employee(s) has been checked.

7.4. Where the agency has obtained an enhanced DBS certificate, prior to the commencement of the person's work at the Academy, which has disclosed any matter or information, the Academy will obtain a copy of the certificate from the agency.

7.5. We expect third-party organisations to inform the Academy if any employees have had a risk assessment completed in relation to information on the DBS check. If this is the case, the

Academy will ask the organisation to ask the employee for consent to share the risk assessment with the Academy so the Trust can undertake their own risk assessment. If the employee refuses to give consent to share this information, we reserve the right to refuse to allow the individual to attend site.

- 7.6. Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.
- 7.7. The Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made, e.g., by asking to see photo ID.

## **8. Trainee/student teachers**

- 8.1. Where applicants for ITT are salaried by the Academy or college, the Headteacher will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.
- 8.2. Where trainee teachers are fee-funded, the training provider will be responsible for carrying out the necessary checks. The Headteacher will obtain written confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

## **9. Updated Procedures for Governors**

- 9.1. If required, the governing board will request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors. An enhanced DBS check with children's barred list information will only be requested if the governor will be engaging in regulated activity.
- 9.2. A barred list check will only be required for governors who, aside from their governance duties, are engaged in regulated activity. The governing board will contact the Teaching Regulation Agency (TRA) Employer Access services to check if a proposed governor is barred because of a section 128 direction.

The ESFA will carry out suitability checks on all newly appointed chairs of trustees. These checks include:

- An identity check.
- Confirmation of the right to work in the UK.
- An enhanced DBS check.
- A requirement to provide additional information if the individual has lived outside the UK for a period of 12 months or longer.

## **Procedures for proprietors**

Before the Chair of a body of people (Trust Board) which is the proprietor of an academy, the Secretary of State will:

- Obtain an enhanced DBS certificate, with or without barred list information as appropriate.
- Confirm the individual's identity.
- If the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, undertake such other checks as the Secretary of State considers appropriate.

The Chair of the Trust Board will ensure that enhanced DBS certificates are obtained, where relevant, for other members of the Trust Board and will ensure members are not subject to a section 128 direction. Further checks will be undertaken where, because the individual is living or has lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish their suitability to work in a school.



All members of the Trust Board the Chair of the Board of Directors are required to obtain an enhanced DBS check – a section 128 check will also be carried out. Where responsibilities are delegated to any delegates or committee, e.g., a local academy council, DBS checks will be conducted on all delegates and members of such committees.

### **Procedures for volunteers**

- 9.3. Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity. The Headteacher will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.
- 9.4. In some circumstances, the Headteacher will obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information. There will be no requirement to re-check volunteers in regulated activity if they have already had a DBS check, including barred list information; however, the Academy will conduct a repeat DBS check, with barred list information, where there are concerns about a volunteer.
- 9.5. The Headteacher will undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:
- The nature of the volunteer's work with children and level of supervision, especially where it constitutes regulated activity
  - What the Academy knows about the volunteer, including formal or informal information offered by others
  - Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
  - Whether the role is eligible for an DBS check, and if so, the level of the check

Details of the risk assessment will be recorded.

The Headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity.
  - Regular and day-to-day.
  - Reasonable in all the circumstances to ensure the protection of children.
- 9.6. When allowing any volunteers to work at the Academy, the Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made.
- 9.7. The Academy will obtain an enhanced DBS check for all volunteers who are new to working in regulated activity; however, a barred list check will not be possible for a supervised volunteer.
- 9.8. Existing volunteers will not usually be re-checked if they have already had a DBS check; however, if any concerns are raised, the Academy will consider obtaining a new DBS check at the level appropriate to the role.

### **10. Procedures for visitors**

- 10.1. The Academy does not have the power to request DBS checks to be carried out on visitors, e.g., pupils' relatives or other visitors attending a sports day, or ask to see DBS certificates for visitors. The Headteacher will use their professional judgement when considering the need to escort or supervise visitors.
- 10.2. For visitors attending the Academy in a professional capacity, ID checks will be carried out and the Academy will be assured that the visitor has had the appropriate DBS check or will have the visitor's employer(s) confirm that their staff have received the appropriate checks.

10.3. The Academy will implement its procedures for visitors to ensure that the welfare of pupils is safeguarded.

## **11. Procedures for contractors**

11.1. Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the Academy. The Academy will remain responsible for determining the appropriate level of supervision depending on the circumstances.

11.2. The Headteacher will ensure the Academy's safeguarding requirements are set out in the contract with the contractor.

11.3. Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check. Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check which does not include a barred list check. In considering whether contact is regular, it will be irrelevant whether the contractor works on a single site or across a number of sites.

11.4. Contractors will be expected to provide the Academy with a letter of assurance confirming that the employee(s) have an Enhanced DBS check (without barred list information if not in regulated activity / with barred list information if deemed to be in regulated activity) and that the identity of the employee(s) has been checked.

11.5. We expect Contractors to inform the Academy if any employees have had a risk assessment completed in relation to information on the DBS check. If this is the case, the Academy will ask the Contractor to ask the employee for consent to share the risk assessment with the Academy so the Trust can undertake their own risk assessment. If the employee refuses to give consent to share this information, we reserve the right to refuse to allow the individual to attend site.

11.6. Where the contractor does not have opportunity for regular contact with pupils, the Headteacher will decide whether a basic DBS disclosure is appropriate.

11.7. If a contractor working at the Academy is self-employed, the Headteacher will consider if they need to obtain a DBS check on the contractor's behalf. The Headteacher will check the identity of contractors and their staff upon arrival at the Academy.

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

12.1. New staff members who have lived or worked outside the UK will undergo the same checks as all other staff, including obtaining an enhanced DBS certificate with barred list information, in line with the procedures outlined in the 'Procedures for staff' section of this policy.

12.2. As of January 2021, the TRA no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The Academy will continue to carry out safer recruitment checks on all applicants.

12.3. For applicants who have lived or worked outside of the UK, the Academy will make any further checks it deems appropriate so that relevant events that occurred outside the UK can be considered, even if the applicant has never been to the UK.

12.4. Additional checks will be carried out for teaching roles, e.g., checking documents issued by overseas teaching authorities. The Academy will request that teachers provide a letter of professional standing issued by the professional regulating authority in the country in which they worked, confirming that they have not imposed any sanctions or restrictions and if they are aware of any reason why they may be unsuitable to teach.

- 12.5. The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK. As the DBS cannot provide details of police records for overseas applications, the Academy will be aware that the DBS information may not provide a complete picture of a candidate's criminal record. Where appropriate, the Academy will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.
- 12.6. The Academy will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.

### **13. Procedures for adults supervising children on work experience**

- 13.1. The Academy will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising pupils on the placement. Consideration will be given to whether the person providing supervision to the pupil will be unsupervised themselves and providing the supervision frequently, i.e., more than three days in a 30-day period, or overnight.
- 13.2. The Headteacher will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.
- 13.3. The Academy will not request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17. Work experience providers will not request any DBS checks for pupils under 16. The Academy will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

### **14. Procedures for alternative provision**

- 14.1. Where a pupil is placed in alternative provision, the Headteacher will obtain written confirmation from the provider that the appropriate DBS and safeguarding checks have been carried out on the provider's staff and that those checks are consistent with what the Academy would otherwise perform in respect of its own staff.

### **15. Procedures for arranged homestays during exchange visits**

- 15.1. When arranging a homestay for a visiting pupil in the UK, the Headteacher will consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.
- 15.2. Where the Headteacher arranges for a visiting child to be provided with care and accommodation in the home of a family to which they are not related, the responsible adults will be engaging in regulated activity for the duration of the stay. In these circumstances, and where the Academy has the power to terminate such a homestay, the Academy will be the regulated activity provider.
- 15.3. When arranging homestays, the Headteacher will use professional judgement to assess the suitability of the adults in those families who will be responsible for the visiting child during their stay. To help inform the assessment, the Headteacher will obtain enhanced DBS certificates with barred list information. The Headteacher may decide to obtain an enhanced DBS certificate in respect of anyone aged 16 or over in the household where the child will be staying.
- 15.4. When arranging a homestay abroad, the Headteacher will liaise with partner academies abroad to establish a shared understanding of, and agreement to the arrangements in place for the visit. The Headteacher will use professional judgement to determine that the arrangements are appropriate and sufficient to safeguard every child who will take part in the exchange. The Headteacher may decide to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.

15.5. Where a period of UK homestay lasts 28 days or more, for a child aged under 16 (or 18 if the child has disabilities), this may amount to private fostering under the Children Act 1989. Where this is the case, the Headteacher will notify the LA of the arrangements.

## 16. Disclosures containing criminal information

16.1. A DBS check is considered to contain criminal information if it includes details of the following:

- DBS barred list.
- A police record of convictions and cautions.
- Any other relevant criminal information obtained by the police.

If an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.

16.2. In the event of a disclosure containing criminal information, the Headteacher will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form, which will be followed by a meeting. The Headteacher will discuss the disclosed information with the Academy council and the HR team immediately to agree a course of action regarding any prospective or existing employee.

16.3. The individual will be required to attend a meeting with the Headteacher to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the Headteacher will contact the DBS to carry out an investigation. If it is established by the DBS that the convictions do concern the individual, the Headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the Academy council and HR team.

16.4. For prospective employees, all posts will remain pending whilst meetings and investigations take place - an exception applies if the Headteacher was already aware of the employee's convictions and had previously discussed with the Academy council and HR team that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

16.5. For current employees, the Headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.
- Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.

The Headteacher will consult the HR team for the Academy when deciding what adjustments will need to be made for the employee concerned.

## 17. Making a recruitment decision

17.1. All offers of employment made by the Academy will be conditional upon satisfactory completion of the mandatory pre-employment checks.

The magnitude of any DBS disclosures will be carefully considered by those involved in the recruitment process.

Major disclosures will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:

- Children's barred list.
- Adults' barred list

- 17.2. Serious disclosures which involve criminal activity, but do not pose a risk to pupils, will be discussed with the Headteacher prior to the candidate being accepted for the role. The Headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.
- 17.3. When considering an applicant who will not be working in regulated activity, the Academy will not take into account any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016).
- 17.4. When assessing any disclosure information on a DBS certificate, the Academy will consider the explanation from the applicant, including:
- The seriousness and relevance of the disclosure in relation to the position applied for.
  - The length of time since the offence or other matters occurred.
  - Whether it was a one-off incident or if there is a history of incidents.
  - The circumstances around the incident.
  - Whether the candidate has accepted responsibility for their actions.

Incidents will also be considered in the context of the DfE's Teachers' standards and Teacher misconduct guidance, where applicable.

A risk assessment will be conducted by the Headteacher following a positive disclosure, before deciding on the candidate's suitability. A record of all recruitment decisions following positive DBS disclosures will be kept by the Office Manager. Depending on the circumstances of each case, the chair of the Academy council may be asked to countersign the form recording the recruitment decision.

A flowchart of DBS criminal record checks and barred list checks can be found on page 66 of 'Keeping children safe in education' – the Academy will adhere to this flowchart when making recruitment decisions.

## 18. Referral to the DBS

- 18.1. Where an allegation is made, an investigation will be carried out to ascertain whether the evidence raises concerns, and the Academy will ensure that it has sufficient information to meet the referral duty criteria as outlined in the DBS' 'Making referrals to the DBS' guidance.
- 18.2. The Academy will uphold its legal duty to make a referral to the DBS where it has removed an individual from regulated activity and believes that they have:
- Engaged in relevant conduct.
  - Satisfied the harm test.
  - Received a caution or conviction for a relevant offence.

Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member from regulated activity. The Academy will ensure that as much relevant information is provided to the DBS as possible for the DBS to appropriately consider the referral.

## 19. Recruitment of ex-offenders

- 19.1. The Academy will be aware of its responsibility under the Police Act 1997 not to discriminate against applicants based on their criminal record. The Academy will only ask an individual to provide details of convictions and cautions that the Academy is legally entitled to consider when recruiting candidates. All candidates will be selected for interview based on their skills, qualifications and experience.
- 19.2. All job application forms, job adverts and recruitment briefs that require a DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been

offered the position. During the recruitment process, the Academy will ensure that a discussion between the recruitment panel and Headteacher takes place to evaluate any offences or other matters relevant to the position.

- 19.3. Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment. Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with section 14 and section 15 of this policy.
- 19.4. All applicants will be given a copy of the Academy's Child Protection and Safeguarding Policy and information on the employment of ex-offenders in the application pack prior to the interview.

## 20. **Single central record (SCR)**

- 20.1. The Headteacher will maintain an up-to-date SCR on the OnlineSCR of pre-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.

The SCR will cover pre-appointment checks covering all members of the proprietor body.

The SCR will detail the checks carried out in each Academy within the MAT – the information will be recorded in such a way that allows for details for each individual Academy to be provided separately, and without delay to those entitled to inspect that information, including Ofsted.

The SCR will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- An identity check
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- A section 128 check for those in management positions
- Further checks on individuals who have lived or worked outside the UK
- A check of professional qualifications
- A check to establish the individual's right to work in the UK
- Medical check
- Reference 1 and reference 2 check
- Disqualification from Childcare (primary only)

For supply staff, the SCR will also record:

- Whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out.
- The appropriate certificates have been obtained, and details of the date on which the confirmation was received.
- Whether any enhanced DBS certificate check has been provided in respect of the member of staff.

Whilst there is no requirement for fee-funded trainee teachers to be recorded on the SCR, the Trust recommends academies include non-salaried teachers on the SCR and undertake the relevant ID check (i.e. confirming that a trainee is who the trainee says s/he is) and add those details to the SCR, confirming on the SCR that all the other relevant checks have been completed by cross referencing to the letter of assurance obtained from the provider. It is also recommended that a copy of the letter from the provider is retained at the Academy for that particular trainee teacher.

The SCR will be securely stored electronically using OnlineSCR.

The details of an individual will be removed from the SCR once they no longer work at the Academy.

## 21. **Data handling**

- 21.1. In accordance with the Police Act 1997, access to DBS certificates will be strictly controlled and records will only be accessed by the headteacher and SBM. If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the Academy will keep a record of the named individual, and the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.
- 21.2. DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- 21.3. The Academy will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made – usually, for no longer than six months to allow for the consideration and resolution of any disputes or complaints. Copies of other documents used to verify the applicant's identity, right to work and required qualifications will be kept for the personnel file.
- 21.4. DBS certificates will be disposed of securely such as by shredding, pulping or burning. Prior to disposal, all waste will be stored securely in a confidential waste bin.

Although the Academy will not keep any copy of the certificate after disposal, a record will be kept of the following:

- The date of issue of the certificate
  - The name of the subject
  - The type of certificate requested
  - The position for which it applied to
  - The unique reference number
  - The details of the final recruitment decision
- 21.5. In exceptional circumstances, such as safeguarding audits, the Academy will decide to retain DBS certificates for longer than six months if deemed necessary. In such cases, the Academy will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.

## 22. **Monitoring and review**

- 22.1. This policy will be reviewed on an annual basis by the BWCAT Head of HR in conjunction with the Trust Board. Any changes made to the policy will be amended by the Head of HR and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.
- 22.2. The next scheduled review date for this policy is 2025.

## **Recruitment of ex-offenders statement**

BWCAT is required to send a copy of its Child Protection and Safeguarding Policy and information on the recruitment of ex-offenders to all job applicants which outlines the following:

- The Trust fully complies with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- All applicants are subject to a DBS check before the job appointment is confirmed; this includes details of convictions and cautions, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The Trust is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- The Trust promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interviews based on their skills, qualifications and expertise.
- All application forms and recruitment notices will contain a statement that a disclosure will be requested if a position is offered.
- All applicants are encouraged to provide details of their criminal record at the earliest stage possible. This may be sent under a separate and confidential cover.
- All applicants will be made aware of the existence of the DBS Code of Practice and will be provided with a copy on request.
- The Trust is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.
- The Trust will discuss any matters revealed on a DBS certificate with the applicant before withdrawing a conditional offer of employment.
- At the interview, or in a subsequent discussion, open and measured discussion will take place on the subject of the offences.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer made.



The 13 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy

St. Joseph's Catholic Primary School Otley, a Voluntary Academy

Ss Peter and Paul Catholic Primary School, a Voluntary Academy

Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy

St Mary's Horsforth Catholic Voluntary Academy

St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy

St Joseph's Catholic Primary School Harrogate, a Voluntary Academy

St Mary's Catholic Primary School Knaresborough, a Voluntary Academy

St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy

Holy Name Catholic Voluntary Academy

St Roberts Catholic Primary School, a Voluntary Academy

St John Fisher Catholic High School Harrogate, a Voluntary Academy

St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy



## The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

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