



DBS Policy

Background

At The Learning Trust, we are committed to the welfare of our students, staff and visitors. Ensuring the safety of our community is of paramount importance to us and this policy reflects our dedication to creating a safe environment where pupils are cared for appropriately and safeguarded from harm.

Disclosure and Barring Service (DBS) checks replaced Criminal Record and Background (CRB) checks in 2012. DBS checks enable The Learning Trust to ascertain an individual's suitability to work with children and in an educational environment.

This policy has been created to inform staff, pupils and parents of the measures taken by The Learning Trust to ensure all employees and pupils are safe and cared for.

In addition, it outlines our commitment to meeting legislative requirements, DfE standards, data protection responsibilities and Ofsted guidance as outlined in the Policy.

1. Organisation

1.1. Duties of the Board of Trustees

The Board of Trustees, in consultation with the Headteachers and Local Governing Bodies, will:

- 1.1.1. Ensure familiarity with requirements of the appropriate legislation and codes of practice.
- 1.1.2. Create and monitor a management structure responsible for safeguarding pupils and ensuring the correct use of DBS checks in The Learning Trust.
- 1.1.3. Periodically assess the effectiveness of the Policy and ensure any necessary changes are made.

1.2. Duties of the Headteachers

- 1.2.1. The Headteachers have the general responsibility for the day-to-day implementation of the DBS Policy throughout The Learning Trust but may delegate these responsibilities to some extent.
- 1.2.2. The Headteachers will take all reasonably practicable steps to ensure the DBS Policy is implemented through the heads of the appropriate departments and other members of staff.
- 1.2.3. The Headteachers will designate the HR Administrator to be responsible for the day-to-day implementation of the DBS Policy. This person will also be the designated contact with the DBS service where necessary.

1.3. Duties of Supervisory Staff / Department Heads

- 1.3.1. Supervisory Staff will take a keen interest in The Learning Trust DBS Policy and assist in ensuring all staff, students and visitors comply with its requirements.

1.4. Duties of all members of staff

- 1.4.1. All staff will familiarise themselves with the DBS Policy and aspects of their work related to safeguarding.

2. Legislative requirements

- 2.1. The Learning Trust is committed ensuring it meets all requirements pertaining to safeguarding and background checks as prescribed in the following (the list is not exhaustive and other guidance, legislation and regulations may form part of the The Learning Trust policy):
 - 2.1.1. The DBS Code of Practice.
 - 2.1.2. The Safeguarding Children and Safer Recruitment in Education DfE guidance.
 - 2.1.3. The Data Protection Act.
 - 2.1.4. The GDPR (General Data Protection Regulation)
 - 2.1.5. The Freedom of Information Act 2000.
 - 2.1.6. The Education Act 2002.
 - 2.1.7. Keeping Children Safe in Education Act.

3. Procedures

3.1. Potential staff members

- 3.1.1. All employment at The Learning Trust is subject to a satisfactory DBS check. For the avoidance of doubt, any potential staff member who has worked outside of the UK in the previous five years, a DBS check from that country will be required.
- 3.1.2. All advertisements for positions at The Learning Trust include the requirement of a DBS check.

- 3.1.3. All job application forms sent to candidates contain a requirement to admit any criminal convictions, warnings or cautions.
- 3.1.4. All candidates invited to interview are required to provide evidence of identity, address and their right to work in the UK.
- 3.1.5. Successful applicants are required to complete a DBS application as soon as practicable after the interview process.
- 3.1.6. Applicants for teaching and education support positions are required to produce original certificates of qualifications.
- 3.1.7. An enhanced DBS check is required for all successful job applicants who are: teachers, education support staff, ICT and administrative staff, maintenance and cleaning staff who will be taking part in regulated activity. An enhanced check includes a check on local police records. Where these records contain additional information that may be relevant to the post, the police may release information for inclusion in an enhanced check.
- 3.1.8. These enhanced DBS checks will be received via a secure online portal to protect all parties.
- 3.1.9. DBS certificates are sent directly to the applicant's home address.
- 3.1.10. In a very small number of circumstances, this additional information may be sent under separate cover to the counter signatory and will not be revealed to the applicant.
- 3.1.11. Written references are always requested in support of applicants selected for interview and these are always followed up by contact with the previous employer for the successful applicant.

3.2. Supply staff

- 3.2.1. The Learning Trust requires enhanced DBS checks to be carried out in respect of supply teachers, instructors and other education support professionals. Supply teachers must bring proof of identity on their first day of work at The Learning Trust. Supply teacher agencies are required to confirm that supplied staff members have relevant, clear and current enhanced DBS checks for regulated activity.

3.3. Governors/Trustees/Members

- 3.3.1. The Learning Trust requires enhanced DBS checks for regulated activity to be conducted in respect of governors and Trustees.

3.4. Visitors

- 3.4.1. Occasional Visitors to The Learning Trust are not permitted unsupervised access to students and therefore DBS checks are not required.
- 3.4.2. Scheduled visitors engaged in regulated activity are subject to enhanced DBS checks.

3.5. Applicants with recent overseas residence

- 3.5.1. This includes all applicants, whether British nationals or not, with recent periods of overseas work or residence.
- 3.5.2. The HR Administrator is responsible for ensuring all applicants with a record of overseas work have work permits if required.
- 3.5.3. Police clearance to work with pupils is also required from their home country.
- 3.5.4. These checks are in addition to the enhanced DBS checks required for all applicants.

4. Existing checks

- 4.1. Routine checks are not required under Ofsted guidance. Ofsted guides that routine checks for staff go beyond legal requirements, represent poor use of resources and are considered excessive.

5. Positive Disclosures

- 5.1. All positive disclosures, regardless of the seriousness of the offence/conviction/charge, are subject to an objective assessment.
- 5.2. The Business Director will consider the magnitude of any DBS disclosures.
- 5.3. **Major disclosures** will be discussed with the Headteacher, who will be asked for clearance for the candidate to be rejected.
- 5.4. **Serious disclosures**, those that do not pose a risk to students, will also be discussed with the Headteacher. The Business Director will endeavour to ascertain the relevant facts from the individual and to bring the matter to a conclusion. The candidate will be sent a rejection or acceptance letter, in keeping with The Learning Trust procedures.
- 5.5. **Minor disclosures** will be dealt with in a discussion between the candidate and the relevant department head. The Business Director or designated deputy will recommend to the Headteacher whether to reject or accept the applicant.
- 5.6. The following considerations will be taken in relation to positive DBS disclosures:
 - 5.6.1. The relevance of the disclosure in relation to the position applied for.
 - 5.6.2. The nature of the offence or other matters revealed.
 - 5.6.3. The length of time since the offence or other matters occurred.
 - 5.6.4. Whether there is a pattern of offending behaviour.
 - 5.6.5. Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred.
 - 5.6.6. Any extenuating circumstances surrounding the offence and explanations offered.
- 5.7. In exceptional circumstances, if an offer is made following a positive disclosure, an employment risk assessment may be completed.
- 5.8. A record of all recruitment decisions following positive DBS disclosures will be kept by the Business Director using the form provided in Appendix A.
- 5.9. Depending on the circumstances of each case, the chair of governors may be asked to countersign the form.

6. The recruitment of ex-offenders

- 6.1. Under the Protection of Children Act 1999 and the Criminal Justice and Courts Service Act 2000, The Learning Trust cannot employ persons who may have regular contact with children who are:
 - 6.1.1. Included on the barred list (a list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children).
 - 6.1.2. Subject to a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm and/or other serious acts of violence.
- 6.2. The Learning Trust also consider it high risk to employ persons, who may have regular contact with pupils, if they have been convicted of or charged with any of the offences above or serious drug related offences.
- 6.3. The Learning Trust is required to send each applicant its Policy on the Recruitment of Ex-offenders (Appendix B) and a copy of its privacy notice.

7. Record keeping

- 7.1. Disclosure information is kept securely in lockable cabinets with strictly controlled access.
- 7.2. Only those entitled to see this information as part of their duties are permitted access.
- 7.3. In addition, disclosure information will only be passed to authorised personnel who require it in the course of their duties, in accordance with section 124 of The Police Act 1997. **It is a criminal offence to pass this information to anyone who is not entitled to receive it.**
- 7.4. A record will be kept of all those to whom disclosure information has been revealed.
- 7.5. Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's consent has been given.
- 7.6. The Learning Trust will process all data in accordance with its obligations under the Data Protection Act.

8. Referral to the DBS

- 8.1 The Learning Trust has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:
 - The harm test is satisfied
 - The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed offence.
 - The staff member has been removed from working in a regulated activity, or would have been removed had they not left school.
 - The staff member has been moved to an area of work not in regulated activity.
 - The staff member has been suspended
- 8.2 Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

Record of Recruitment Decision

All positive disclosures relevant to child protection, regardless of the seriousness of the offence(s) or other matter revealed, are subject to objective assessment. All sections of this form must be completed and retained on file.

Personal Details		
Date:		
Applicant's name:		
Position applied for:		
Assessment		
Does the applicant meet all the essential criteria for the role, including skills, knowledge and ability?	Yes	No
Is the nature of the offence(s) directly related to the role?	Yes	No
When did the offence(s) occur?	Less than 2 years ago	More than 2 years ago
Is there a pattern of related offences?	Yes	No
Is there a pattern of unrelated offences?	Yes	No
Is the context still relevant today?	Yes	No
Was the offence(s) committed at work?	Yes	No
What level of independence will the role entail?	Close supervision	Minimal supervision
Does the applicant show a determination not to re-offend?	Yes	No
Did the applicant reveal the offence(s)?	Yes	No
What response was given when questioned about the offence(s)?		
Have two references been received?	Yes	No
What information did the referees provide on the candidates suitability?	Yes	No

The Learning Trust Policy on the Recruitment of Ex-offenders

The Learning Trust is required to send a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

This policy is made available to all candidates at the outset of the recruitment process.

- The Board of Trustees 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.
- The Learning Trust meets the requirements of exempted questions under the Rehabilitation of Offenders Act 1974; all applicants are subject to a DBS check before the appointment is confirmed. This includes details of convictions, cautions and reprimands, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The Learning 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 Learning Trust promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interview 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 separate and confidential cover.
- The Learning Trust is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.
- At 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.
- Legal advice is available for all involved in the recruitment process to ensure they can identify and assess the relevance and circumstances of offences.
- All recruitment personnel have received appropriate training and guidance in the relevant legislation relating to the employment of ex-offenders.

In conclusion, having a criminal record will not necessarily prohibit you from working at The Learning Trust. This will depend on the nature and severity of offences or other matters and their relevance to the position offered.