

# DBS APPLICATION AND HANDLING

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## 1. GENERAL PRINCIPLES

- 1.1 Within this policy 'we' and 'us' means the Federation.
- 1.2 Within this policy the terms 'colleagues' and 'staff' refers to employees, workers, volunteers, governors, trustees and those undertaking work experience.
- 1.3 This policy should be read alongside the Federation Staff Recruitment Policy.
- 1.4 As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, we comply fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
- 1.5 We also comply fully with our obligations under the Data Protection Act 2018, and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.
- 1.6 Information relating to criminal convictions shall only be held and processed where there is legal authority to do so. The data is used to comply with legal obligations placed on the Federation in relation to employment, and the education of children in a school environment.
- 1.7 In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:
  - There are concerns about an existing member of staff's suitability to work with children; or
  - An individual moves from a post that is not regulated activity to one that is,
  - There has been a break in service of 12 weeks or more,
  - The staff member has moved from a voluntary to a paid role, or there has been a promotion or significant change in contract.

## 2. TYPES OF DBS CHECKS

- 2.1 Basic DBS check: this provides details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.
- 2.2 Standard DBS check: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- 2.3 Enhanced DBS check: this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken must be covered by an

exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.

- 2.4 Enhanced DBS check with children's barred list information: where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for or activities being undertaken must be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128.

### 3. CONSIDERING WHICH CHECK IS REQUIRED

- 3.1 Most staff within the Federation will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information is required. Regulated activity is defined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012; further information can be found here:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550197/Regulated\\_activity\\_in\\_relation\\_to\\_children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf)
- 3.2 We will only accept existing DBS certificates for current Federation colleagues moving to a new role within the Federation, as long as the original level of check remains appropriate, and the colleague has not had a break in service of over 3 months.

### 4. THE DBS UPDATE SERVICE

- 4.1 In order for us to check the DBS status of shortlisted candidates who have subscribed to the DBS Update Service, the candidate will need to provide their permission to make the check, their original DBS certificate and the access code.
- 4.2 The level of check must be appropriate to the role they are applying for. If this is not the case, a new DBS application will need to be submitted.

## 5. RECEIPT OF A DBS DISCLOSURE CERTIFICATE

- 5.1 The DBS certificate will be issued to the job applicant who is required to present it to the HR team for verification and checking.
- 5.2 Failure to present the certificate may result in the offer of employment being withdrawn.
- 5.3 If the DBS certificate shows information, the HR team will pass it to the Executive Principal who will compare the information against the candidate's self-disclosure form, and risk assess the candidate's suitability to work with children, taking into account:
  - The seriousness and relevant to the post applied for.
  - How long ago the offence occurred.
  - Whether it was a one-off incident or a history of incidents.
  - The circumstances around the incident.
  - Whether the individual has accepted responsibility for their actions.

## 6. REFERRAL TO DBS

- 6.1 We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
  - We believe the individual has engaged in [relevant conduct](#); or
  - We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
  - We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
  - The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left.

## 7. STORAGE AND ACCESS

- 7.1 Certificate information is kept in lockable and non-portable storage with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- 7.2 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.

## 8. USAGE

- 8.1 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.

## 9. RETENTION

- 9.1 Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.
- 9.2 If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so.
- 9.3 Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## 10. DISPOSAL

- 10.1 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).
- 10.2 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.