

## **Earlscliffe (Sussex Summer Schools Ltd)**

### **DBS POLICY**

#### **STATEMENT**

The Code of Practice requires all those who use the Disclosure Service to have a written policy and guidance on the recruitment of people with a criminal record and to ensure all applicants receive a copy.

Earlscliffe (Sussex Summer Schools Ltd) is committed to the principle of equality of opportunity and that, subject to the overriding consideration of protecting children and vulnerable people, we will make every effort to prevent unfair discrimination against those with criminal records.

Earlscliffe is determined to make all efforts to prevent discrimination or other unfair treatment against any of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical disability or offending background that does not create risk to children and vulnerable adults.

As an organisation using the Disclosure Barring Service (DBS) Disclosure Service to assess applicants suitability for positions of trust, Earlscliffe complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Earlscliffe has a written policy on the recruitment of ex-offenders which is available to all Disclosure applicants at the outset of the recruitment process upon request.

### **DBS POLICY AND GUIDELINES**

#### **PURPOSE**

To comply with the Code of Practice in providing a written policy on the correct handling and safekeeping of Disclosure information and to make this available as necessary.

The Code of Practice is published under Section 122 of the Police Act, 1977 in connection with the use of information provided to registered persons under Part V of the Act. The Code seeks to ensure that sensitive personal information is handled and stored appropriately and kept for only as long as necessary.

Any breach of this policy will result in action under the school's Disciplinary Procedure.

#### **REGISTERED BODY**

Earlscliffe uses a registered body of the Disclosure Service, namely Atlantic Data Systems.

Earlscliffe will:

ensure appointment documents for positions where disclosures will be requested, contain a statement that a disclosure will be requested in the event of a successful interview.

ensure that applicants having a criminal record should not necessarily prevent a person from obtaining a position at Earlscliffe, unless it debars that person.

discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment.

make every subject of Disclosure aware of the existence of the Code of Practice and make this copy available as required.

make appropriate use of Disclosure information in reaching decisions and make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act, 1974.

#### **HANDLING AND STORAGE OF DISCLOSURE INFORMATION**

Earlscliffe will ensure that the recipients of Disclosure information:

will not pass information to persons not authorised to receive it under Section 124 of the Act. Under Section 124, unauthorised disclosure is an offence.

make information available to only those who need to have access in the course of their duties.

must securely store disclosures and the information that they contain in a lockable non-portable cabinet provided solely for this purpose. Disclosure information is never kept on an applicants personal file.

should retain neither disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In general this should be no later than six months after the date on which probationary periods have been taken or other relevant decisions, also after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should only be exceeded in very exceptional circumstances which justify retention for a longer period. Should this be necessary Earlscliffe will consult the DBS and will give full consideration to the Data Protection and Human Rights individual subject before doing so.

#### **RECRUITMENT PROCESS**

All candidates applying for employment at Earlscliffe will receive a letter of declaration to sign before shortlisting is considered.

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The successful candidate will complete a declaration of criminal record using the DBS application form. If an applicant reveals a serious criminal record, particularly if it is recent, and in circumstances whereby the appointment of a person with a serious record may give rise to criticism of the organisation, then the “responsible person” must consult the Head Teacher before the appointment is confirmed.

Details of a person’s criminal record MUST always be maintained as strictly confidential and stored only as long as necessary in the cabinet provided for this use.

Having a criminal record should not necessarily prevent a person from being appointed to any post, unless the offence debars the person. Where it is felt, however, that a recent or serious offence might mean that a person presents a risk to children or vulnerable adults, then that person should not be appointed. Discrimination, either in favour of or against those persons currently in employment who have disclosed their criminal record, is not permissible (unless the offence debars them) and such information is strictly confidential.

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

When deciding whether to appoint (or shortlist) someone, consideration will be given as to whether the individual has the essential skills, knowledge and experience for the post. Only if the person meets this criteria should convictions be taken into account.

#### **EXTERNAL AGENCIES**

Earlscliffe receives written assurance from its current sub-contractor Premier Taxis Folkestone (transport) that all of their relevant staff delivering services to Earlscliffe students have received a satisfactory CRB return, and that Earlscliffe reserves the right to decide on what is satisfactory and what is not.

#### **DISPOSAL**

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

## **RECRUITMENT OF EX-OFFENDERS**

The Rehabilitation of Offenders Act, 1974 enables criminal convictions to become 'spent' or ignored after a "rehabilitation period".

Under the Criminal Justice and Court Services Act, 2000 it is an offence, punishable by imprisonment, for anyone either convicted of a Schedule Four offence (see Appendix 1 attached) on the DfE List 99, on the Department of Health's, or the National Assembly of Wales' lists to apply for work with young people. It is also an offence for anyone knowingly to employ such a person in such a capacity either on a voluntary or paid basis.

People with criminal records applying for jobs should be treated accordingly to their merits and to any special criteria of the post (eg caring for children and vulnerable adults which debars some in this category).

The main focus on decision making in the recruitment process is on offences which are relevant in terms of protecting children and vulnerable adults, rather than offences of dishonesty (other than such directly relevant categories as defrauding a vulnerable older person or someone with a learning disability). The relevant categories of offences for most purposes are violent, sexual and drug offences, although it should be borne in mind that all three categories cover a very wide range of behaviours from the relatively minor to the most grave. Past offences of dishonesty may not be relevant in terms of protecting vulnerable people from physical harm. This may have a bearing on the trustworthiness of the individual, but consideration will be given to suitable applicants with regard to offences which are not relevant to the job.

We actively promote 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. We select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person at Earlscliffe and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows Earlscliffe to ask questions about your entire criminal record we only ask about "unspent" convictions as defined in the

Rehabilitation of Offenders Act 1974.

We ensure that all those at Earlscliffe who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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.

At interview, or in a separate discussion, we ensure 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.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy of available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

Should an applicant wish to complain, the DBS has published a complaints procedure leaflet available direct from DBS.

Earlscliffe will co-operate with requests from the Bureau to undertake assurance checks as to the proper use and safekeeping of Disclosure information.

Earlscliffe will also report to the Bureau any suspected malpractice in relation to the Code of Practice or any suspected offences in relation to the misuse of Disclosures.

As a registered body of the Disclosure Service, the Lead Signatory has provided appropriate training for all counter signatories. This document will be under continual review in the light of changing legislation and upon notification from the Disclosure Service.

## **Appendix 1**

### SCHEDULE OF OFFENCES

Murder or manslaughter

Rape or burglary with intent to commit rape

Grievous bodily harm

Cruelty to children

Kidnapping, false imprisonment and abduction

Indecent assault on a man or woman

Sexual intercourse with a child under 13

Intercourse with a girl aged between 13 and 16

Buggery with a child under 16

Indecency between men

Abuse of trust

Incest and related offences

Assault with intent to commit buggery

Indecency with children under the age of 14

Offences relating to, or encouraging, child prostitution

Offences relating to child pornography

## **GLOSSARY OF TERMS**

### **CODE OF PRACTICE**

This code sets out the requirements that employers and other bodies must comply with in order to use Standard and Enhanced disclosures.

### **CRIMINAL CONVICTION**

A criminal conviction is a finding of guilt by a criminal court. Criminal convictions form part of the criminal record.

### **CRIMINAL RECORD**

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.

## DISCLOSURES

The criminal record check certificates. There are two types of Disclosure:

Standard (already in use)

Enhanced (already in use)

## REGISTERED BODY

A registered body is an employer or other agency registered with the Disclosure Barring Service to administer Standard and Enhanced Disclosures.

## REHABILITATION OF OFFENDERS ACT, 1974

This Act gives many people with criminal records the right not to disclose them after a rehabilitation period.

## SCHEDULE FOUR OFFENCE

Under the Criminal Justice and Court Services Act, 2000, adults convicted of a Schedule Four offence, and given a hospital or guardianship order or a custodial sentence (suspended or unsuspended) of 12 months or more, are banned from working with children.