



## **Recruitment of Ex-Offenders and security of Disclosure information Policy / DBS Disclosure Policy**

**Please note that this policy is currently under review and is expected to be updated shortly.**

**If you have any concerns or queries please contact a member of the Human Resources department directly who will be happy to support you.**

### **The Requirement for Disclosure and Barring Service (DBS) checks by the School**

Oundle School is a Registered Body with the Disclosure and Barring Service (DBS) for the purposes of obtaining access to criminal record checks for employment and voluntary appointments. It is of fundamental importance to Oundle School to ensure as far as possible, that those who take up appointments do not pose a risk to the children in its care. It is therefore important for the School to apply for and review the past criminal records of any successful applicants for positions, before confirming the conditional offer of appointment.

### **DBS Code of Practice**

The School complies with the DBS Code of Practice and undertakes to treat all applicants fairly. A copy of the DBS Code of Practice can be found on the DBS website, in the 'Vacancies' section of the School's website and in the Staff Handbook. A paper copy is available on request from the Human Resources Department.

The School considers it also essential that the confidential and personal Disclosure information from the DBS is used fairly and sensibly. The School undertakes not to discriminate unfairly against any applicant on the basis of a conviction or other information disclosed as a result of a criminal record check. The School makes appointment decisions on the basis of merit and ability.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School. The School will make a report to the Police and / or the DBS if:

- It receives an application from a barred person;
- It is provided with false information in, or in support of an applicant's application; or
- It has serious concerns about an applicant's suitability to work with children.

The School only asks applicants to provide details of convictions and cautions that the School is legally entitled to know about. Where a DBS certificate at enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), the School only asks applicants about convictions and cautions that are not protected. DBS checks are required not only for staff working at the School, but for anyone who may come into regular or intense contact with the pupils. This may include volunteers, staff working on behalf of the School, all residents and visitors (aged 16 years and over) living

in School accommodation with access to the Boarding Houses. 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.

All those at Oundle School who are involved in the recruitment process, have been trained to identify and assess the relevance and circumstances of offences. They have also received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, for example, the Rehabilitation of Offenders Act 1974.

### **Disclosure**

All applicants must declare all previous convictions, cautions, reprimands or final warnings including those regarded as "Spent". The only exception applies to a caution or conviction for an offence committed in the United Kingdom to which the DBS filtering rules apply. Since the 29th of May 2013 the DBS commenced the filtering and removal of specified information relating to old and minor offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions as follows:

#### **For those aged 18 years and over at the time of offence**

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- 11 years have elapsed since the date of conviction;
- It is the person's only offence, and
- It did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 years or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

#### **For those aged under 18 years at the time of the offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- Five and a half years have lapsed since the date of the conviction; and
- It is the person's only offence, and
- It did not result in a custodial sentence.

The conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 years for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

#### **The list of specified offences that must always be disclosed**

This list contains a large number of offences, which includes certain sexual, violent and other relevant offences that are considered so serious they will always be disclosed regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

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The Disclosure will contain details of all filtered convictions on record (including those regarded as “Spent”) and details of any cautions, reprimands, or final warnings held on the police national computer inline with the filtering guidance. It will also indicate if there are no such matters on record.

### **Procedure**

All applicants are encouraged to provide details of any cautions or convictions that may appear on the Disclosure certificate at the earliest opportunity, i.e. on the supplement attached to the application form. Failure to disclose information that is directly relevant to the position sought, could lead to a withdrawal of an offer of employment as outlined in the School’s Recruitment Policy or, if the failure to disclose is discovered after employment has started, may lead to a summary dismissal on the grounds of gross misconduct. This information should be placed in a sealed envelope marked ‘DBS Confidential’ and attached to the application form when applying for a position with the School. All online applications are received directly by the Human Resources Department who are trained to handle sensitive and confidential information.

All Disclosure information is separated from the application form at the point of receipt to avoid any potential for unfair discrimination of applicants with criminal records. This information will only be seen by those who need to see it as part of the recruitment process.

Successful applicants will be issued with a DBS application form by the School unless the applicant has indicated that they subscribe to the DBS Update Service. Successful applicants are required to complete and return the DBS application form as soon as possible. Appropriate documentation should be brought in person (wherever possible) to the designated person in the School. This information will only be seen by those who need to see it as part of the recruitment process. The School will then apply to the DBS for a criminal records check.

DBS Disclosures are sent to the successful applicant only. Therefore, all successful applicants must bring the original DBS Disclosure to the Human Resources Department for verification.

### **Consideration of Disclosure Information**

On receipt of a DBS Disclosure containing information on cautions and/or convictions, the School shall consider the following:

- Whether the conviction or other information disclosed is relevant to the position in question
- The seriousness of the offence or other matter revealed
- The length of time since the offence or other matter occurred
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicant’s circumstances have changed since the offending behaviour or the other relevant matters.
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

At interview, or in a separate discussion, the School will discuss any offences or other matters that might be relevant to the position. Any DBS Disclosure revealing that the applicant may be unsuitable to work with, or have regular contact with children, will not be employed or permitted to live or work on School premises.

Employment decisions based on consideration of any information provided by the DBS, will relate to the existence and extent of any risk to the welfare of children; offences that do not indicate any significant risk to children will not necessarily debar applicants from employment with the School.

Applicants wishing to dispute any information contained in a disclosure can do so by contacting the DBS directly. In cases where an applicant would otherwise be offered a position were it not for the disputed information, the School will where practical and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

**Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information:**

Oundle School complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Disclosure information is kept securely in locked, non portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. It is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given – it will not be passed on to anyone who is not entitled to receive it.

Once a recruitment (or other relevant) decision has been made, the School does not keep Disclosure information for any longer than is necessary and for a maximum of six months. Once the retention period has elapsed, the School will ensure that any Disclosure information is immediately destroyed i.e. by shredding. The School will not leave any Disclosure information in any insecure place whilst waiting for the shredding to take place.

The School will not keep any copies of the DBS Disclosure but will keep a record of the date of issue of a Disclosure, the name of the person, the position and sector for which the Disclosure was requested, the unique reference number and any details of the recruitment decision taken. The School is required to keep a record of this information by the Department for Education.