



# **DBS & SCR Policy**

## **September 2024**

**Approved by the Trust Board on: 14<sup>th</sup> October 2024**

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## **0. Statement of Intent**

At Derby Diocesan Academy Trust (DDAT), we are committed to promoting the welfare of our staff, pupils and visitors. Ensuring the safety of our school / Trust community 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.

For certain roles, the school / Trust may be required to request a DBS check as part of its recruitment process. This check may also include barred list information held on the DBS barred list, as well as any information held by the police which is relevant to the role applied for.

DBS checks allow the school / Trust to ascertain an individual's suitability to work with children in an educational environment. This policy will ensure that all staff, pupils and parents are aware of the measures taken by the school /Trust to promote the welfare of the school / Trust community.

## **1. 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 (2024) 'Keeping children safe in education'
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers'
- DfE (2021) 'Recruit teachers from overseas'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2020) 'DBS filtering guide' for certificates issued between 28 November 2020 and 27 October 2023
- For certificates issued on or after 28<sup>th</sup> October 2023, new filtering guidance applies
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

## **2. Definitions**

### **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.

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.

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

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

- 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

### **An additional change was made to DBS certificates issues on or after 28 October 2023:**

- all unspent conditional cautions and convictions (as defined by the Rehabilitation of Offenders Act) will be 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) 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 2:00am and 6:00am 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.

Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.

Please refer to KCSIE Part three for more details.

### **3. Roles and responsibilities**

The Local Academy Committee / Trust board is responsible for:

- Approving the Headteacher's / Executive Headteacher / CEO decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS and SCR 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.
- Providing a strategic overview. Local Academy Committee members / Trust boards should not be monitoring the school's / Trust's single central record (SCR).
- Ensure that all staff undertaking recruitment have received appropriate Safer Recruitment Training, the substance of which covers part 3 of KCSIE.

The Headteacher's / Executive Headteacher / CEO is responsible for:

- Ensuring that all new employees have the appropriate pre-employment checks including DBS certificates in place prior to commencing work with the Trust. In the absence of a DBS the start date may be delayed or a risk assessment following advice from the Trust's HR Team or the Trust's Safeguarding Lead.
- Making decisions following advice from the Trust's HR Team or the Trust's Safeguarding Lead with regards to disclosure of information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the school / Trust that are subject to a DBS check.

- Maintaining an up-to-date electronic SCR and evidence that checks have been completed.
- Ensuring that all job descriptions and person specifications for any posts within the school / Trust indicate that an enhanced DBS is required and notification that employees are required to sign up to the update service. The full cost of the update registration will be refunded by the school / Trust.
- 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 school / Trust, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required, and that upcoming renewals are applied for within two months prior to the renewal date.
- Ensuring that new employees are aware of the DBS update service and their contractual obligation where appropriate to subscribe to this.
- Encourage all members of staff to sign up to the update service and continue to renew on an annual basis whilst in employment with the Trust.
- Informing the Trust's HR Department of any decisions made regarding disclosure information.
- Ensuring that written confirmation is obtained from any persons working with children when hiring school premises that the relevant checks have been made. They will also be expected to show they have robust Safeguarding arrangements in place and that there is a named "designated person" for referring Child Protection and Safeguarding concerns.

A new DDAT DBS certificate must be obtained prior to commencing employment within the Trust. The only exemption to this is in exceptional circumstances and with prior Trust Board approval.

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

#### **Internal transfers within DDAT:**

If on the update service, you must obtain consent from the individual to carry out an online check to view the status of an existing DBS check. Confirm the DBS Certificate matches the individual's identity, ensure the level of check is enhanced and examine the original certificate to ensure that it is valid for employment.

If not on the update service a new DBS certificate must be obtained for employees moving to a different DDAT School prior to commencing in the new school. The only exemption to this is where both schools have the same Executive Headteacher with responsibility for both schools.

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

Schools must obtain written notification (letter of comfort) for each academic year from any agency, or third party organisation, that they have carried out the same checks as the school would otherwise perform on any individual who will be working at the school (or who will be providing education on the schools behalf, including through online delivery). In respect of the enhanced DBS check, schools must ensure that written notification confirms the certificate has been obtained by either the employment business or another such business. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the, which has disclosed any matter or information, or any information was provided to the employment business, the school must obtain a copy of the certificate from the agency.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.

The school should also check that the person presenting themselves for work is the same person on whom the checks have been made e.g. by asking to see photo ID.

## **Trainee/student teachers**

Where applicants for Initial Teacher Training (ITT) are salaried by the school, the Headteacher / Executive Headteacher will ensure that all necessary 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.

Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The Headteacher / Executive 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.

## **4. Procedures for checks on Local Academy Committee Members (LAC) & the Trust Board**

A completed application form and nomination form is required for all Local Academy Committee and Trust Board appointments. The nomination form contains check boxes to confirm that DBS and Section 128 checks have been carried out. Enhanced DBS checks are mandatory for Local Academy Committee members and the Trust board but not associate members. The School / Trust will apply for an enhanced DBS certificate for any Local Academy Committee members who does not have an enhanced certificate.

A barred list check will only be required for Local Academy Committee members who, aside from their Local Academy Committee members / Trust Board duties, are engaged in regulated activity. The Local Academy Committee members / Trust board



will contact The Teaching Regulation Agency (TRA) Employer Access services to check if a proposed Local Academy Committee members / Trust member 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.

All members of the trust, individual charity trustees and the chair of the board of trustees 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 Committee, DBS checks and section 128 checks will be conducted on all delegates and members of such committees.

## **5. Procedures for volunteers**

Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity. The Headteacher / Executive Headteacher / CEO are responsible for ensuring safeguarding procedures are in place for volunteers and will obtain an enhanced DBS check, which contains barred list information, for any volunteer who is new to working in regulated activity.

In some circumstances, the Headteacher / Executive Headteacher / CEO, being responsible for ensuring procedures are in place to safeguard children may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity but will not request barred list information. There is no requirement to re-check volunteers in regulated activity if they have already had an enhanced DBS check which includes barred list information; however, the school will conduct a repeat enhanced DBS check, with barred list information, where there are concerns about a volunteer.

The Headteacher / Executive Headteacher / CEO, being responsible for ensuring procedures are in place to safeguard children 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.

When allowing any volunteers to work at the school / Trust, the Headteacher / Executive Headteacher / CEO, being responsible for ensuring procedures are in place

to safeguard children will check that the individual presenting themselves for work is the same person for whom the checks have been made.

## **6. Procedures for visitors**

Visitors that attend school / Trust not in a professional capacity should be supervised at all times during their visit. Schools / the Trust should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

For visitors attending the school / Trust in a professional capacity (for example educational psychologists and grounds maintenance), ID checks will be carried out and the school / Trust will be assured by obtaining a letter of comfort from their employer or equivalent 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. All visitors should sign in and out for each visit to school.

School safeguarding policies should set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

## **7. Procedures for contractors**

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

The Headteacher / Executive Headteacher will ensure the school's safeguarding requirements are set out in the contract with the contractor.

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. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

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

If a contractor working at the school is self-employed and therefore would be writing their own letter of comfort, the Headteacher / Executive Headteacher will consider if they need to obtain a DBS check on the contractor's behalf. The Headteacher / Executive Headteacher will check the identity of contractors and their staff upon arrival to the school.

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

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 which contains barred list information, in line with the procedures outlined in section 4 of this policy even if the individual has never been to the UK.

If an individual has lived or worked overseas during the five years prior to appointment, they will automatically need to produce an appropriate overseas criminal record certificate (certificate of good conduct) in relation to this. If they are unable to do so, they will be required to apply for one.

If an individual has lived or worked outside the UK more than five years before their appointment, the Headteacher / Executive Headteacher or CEO will decide whether an overseas check is required, giving due consideration to information already obtained through other pre-appointment checks.

As of January 2021, the TRA no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The school will continue to carry out safer recruitment checks on all applicants as above. Any costs associated with obtaining the certificate of 'good conduct' will be met by the individual.

Additional checks will be carried out for teaching roles, e.g. checking documents issued by overseas teaching authorities. The school 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.

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 school is aware that the DBS information may not provide a complete picture of a candidate's criminal record. In these cases, the school will request the individual to obtain an appropriate Certificate of 'Good Conduct' checks from relevant embassies or the police for those who have lived/worked outside of the UK for a period of 6 months or more in the last five years;

Following the UK's exit from the EU, schools should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. These checks could include, where available:

- criminal record checks for overseas applicants - Home Office guidance can be found on [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/criminal-records-checks-for-overseas-applicants);
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the

world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place, therefore applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

Where this information is not available schools should seek advice from the Trusts Safeguarding Lead and HR Department in relation to alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

The school / Trust will be extra vigilant when considering an applicant from overseas and will obtain additional references to ensure their suitability for the role.

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

The school 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, including those aged 16 and over, 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.

The Headteacher / Executive 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.

The school is not able to request an enhanced DBS check with barred list information for staff supervising pupils who are aged 16 to 17. Work experience providers are not able to request any DBS checks for pupils under 16. The school will ensure all work experience providers have policies and procedures in place to protect pupils from harm.

## **10. Procedures for alternative provision**

Where a pupil is placed in alternative provision, the Headteacher / Executive Headteacher should be satisfied the provider meets the needs of the pupil and they will obtain written confirmation from the provider that the appropriate DBS checks have been carried out on the provider's staff.

## **11. Procedures for arranged homestays during exchange visits (Secondary Schools Only)**

When arranging a homestay for a visiting pupil in the UK, the Headteacher / Executive Headteacher will consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.

Where the Headteacher / Executive 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 school has the power to terminate such a homestay, the school will be the regulated activity provider.

When arranging homestays, the Headteacher / Executive 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 / Executive Headteacher will obtain enhanced DBS certificates with barred list information. The Headteacher / Executive 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.

When arranging a homestay abroad, the Headteacher / Executive Headteacher will liaise with partner schools abroad to establish a shared understanding of, and agreement to the arrangements in place for the visit. The Headteacher / Executive 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 / Executive 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.

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 / Executive Headteacher / CEO will notify the LA of the arrangements.

## **12. Disclosures containing criminal information**

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

- A police record of convictions and cautions
- DBS barred list
- 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.

In the event of a disclosure containing criminal information, the Headteacher / Executive Headteacher / CEO 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 / Executive Headteacher will discuss the disclosed information with the Local Academy Committee members and Trust's HR Department / Safeguarding Lead immediately to agree a course of action regarding any prospective or existing employee.

The individual will be required to attend a meeting with the Headteacher / Executive Headteacher / CEO to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the Headteacher / Executive Headteacher / CEO 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 / Executive Headteacher / CEO will explore the circumstances surrounding these and their suitability to work with children, in accordance with the Local Academy Committee and the Trust's HR Department. Consideration should be given to the seriousness of any offence and relevance to the post applied, how long ago the offence occurred, whether it was a one-off incident or a history of incidents and the context, and whether the individual accepted responsibility for their actions.

For prospective employees, all posts will remain pending whilst meetings and investigations take place - an exception applies if the Headteacher / Executive Headteacher or CEO was already aware of the employee's convictions and had previously discussed with the Local Academy Committee members / Trust board and the Trust's HR Department / Safeguarding Lead that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

For current employees, the Headteacher / Executive Headteacher / CEO will complete a risk assessment to 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 / Executive Headteacher / CEO will consult the Trust's HR Department when deciding what adjustments will need to be made for the employee concerned.

### 13. Making a recruitment decision

All offers of employment made by the school / Trust will be conditional upon satisfactory completion of the mandatory pre-employment checks. Employment will not commence prior to the completion of the checks. For more information, please refer to the DDAT Recruitment and Selection Procedure or further advice can be provided by the Trust's HR Department.

The SBM and Headteacher / Executive Headteacher / CEO will consider the magnitude of any DBS disclosures.

**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

**Serious disclosures** which involve criminal activity, but do not pose a risk to pupils, will be discussed with the Headteacher / Executive Headteacher / CEO and the Trust's HR Department / Safeguarding Lead prior to the candidate being accepted for the role. The Headteacher / Executive Headteacher / CEO 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.

When considering an applicant who will not be working in regulated activity, the school / Trust 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 2023).

When deciding to accept or reject a candidate, the school / Trust will consider the following information:

- The seriousness and relevance of the disclosure in relation to the position applied for.
- The nature of the offence or other matters revealed.
- The length of time since the offence or other matters occurred.
- Whether it was a one-off incident or if there is a pattern of offending behaviour.
- Whether the candidate's circumstances have changed since the offending behaviour or other matters occurred.
- The circumstances around the incident, including any extenuating circumstances surrounding the offence, and explanations offered.
- Whether the candidate has accepted responsibility for their actions.

A risk assessment will be conducted by the Headteacher / Executive Headteacher / CEO following a positive disclosure, before deciding on the candidate's suitability. A record of all recruitment decisions following positive DBS disclosures will be kept in a

sealed envelope within the employees' personnel folder by the SBM. Depending on the circumstances of each case, the Chair of the Local Academy Committee / Trust Board may be asked to countersign the form recording the recruitment decision.

#### **14. DBS update service**

Existing staff members will be required to join the DBS update service upon their current DBS being renewed to ensure that their enhanced DBS certificates are up to date. New employees or employees changing roles will be required under their new contract of employment to join the DBS up-date service if they haven't already done so. The individual's consent will be obtained at the point of signing up to the update service or upon transferring to a different DDAT school for the Trust to undertake regular checks.

The school / Trust will check the DBS certificate to confirm it matches the individual's identity and examine the original certificate to ensure it is for the appropriate workforce and level of check.

#### **15. Referral to the DBS**

The school / Trust has a legal requirement to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults, and/or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member from regulated activity. This could include when an individual is suspended. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided by the school / Trust when considering the referral. Further information can be found <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>.

#### **16. Referral to the Teaching Regulation Agency**

Where a dismissal has occurred or the school/Trust ceases to use the services of a teacher because of serious misconduct or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if there is a case to answer, must then decide whether to make a prohibition order in respect of the



person. Details about how to make a referral to the TRA can be found on <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>.

## **17. Recruitment of ex-offenders**

The school / Trust is aware of its responsibility under the Police Act 1997 not to discriminate applicants based on their criminal record. The school / Trust will only ask an individual to provide details of convictions and cautions that the school / Trust is legally entitled to consider when recruiting candidates. All candidates will be selected for interview based on their skills, qualifications and experience.

All job application forms, job adverts and recruitment briefs that require an enhanced 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 school / Trust will ensure that a discussion between the recruitment panel and Headteacher / Executive Headteacher / CEO takes place to evaluate any offences or other matters relevant to the position.

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.

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

The Headteacher / Executive Headteacher / CEO is responsible for maintaining an up-to-date SCR of pre-employment checks covering all staff (including teacher trainees on salaried routes) and supply staff.

The SCR details the checks carried out in each academy within DDAT – the information is 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 indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed and by whom, or certificate obtained:

- An identity check.
- A barred list check.
- An enhanced DBS check.
- A prohibition from teaching check.
- A section 128 check for all management positions including Local Academy Committee members.

- 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 if applicable.

For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff. There is no requirement for fee-funded trainee teachers to be recorded on the SCR. However, best practice would be to record this information under non statutory information.

The SCR is securely stored electronically and will be checked on a regular basis.

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

The school/Trust should refer to the SCR guidance document for information on maintaining their SCR.

## **19. Data handling**

All DBS certificates will be stored in accordance with the school's / Trust's Data Protection Policy and will be stored in a securely locked and non-portable cabinet which is located in the school / Trust office. Access to related documents will be strictly controlled and limited to those who are entitled to see them as part of their duties.

In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the Headteacher / Executive Headteacher / CEO and SBM.

Information relating to DBS certificates will only be used for the specific purpose.

The school / Trust will not keep DBS certificates for any longer than is necessary once a recruitment decision has been made. Certificates that contain a disclosure this will usually be, for no longer than six months to allow for the consideration and resolution of any disputes or complaints. After this time, the certificate should be securely destroyed and a file note kept detailing the matters raised. Copies of other documents used to verify the applicants identify, right to work and required qualifications will be kept for the personnel file. 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 school / Trust 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.

In exceptional circumstances, such as safeguarding audits, the school / Trust may decide to retain DBS certificates for longer than six months. In such cases, the school / Trust will consult the DBS and will have due regard to the data protection and human rights of the individual concerned.

## **20. Monitoring and review**

This policy will be reviewed on an annual basis. Any changes made to the policy will be amended by the Trust and the Headteacher / Executive Headteacher / CEO will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.