

# DBS DISCLOSURE POLICY & PROCEDURES

## General principles

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, BeyondAutism 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 fully 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.

## Checking

We have a legal duty to check all employees of BeyondAutism (and anyone else at BeyondAutism who is employed in 'regulated activity') against the DBS Barred list before they commence in post. This applies even if they have transferred from a similar post in another children's setting and have had less than a three month break in service.

Keeping Children Safe in Education [KCSE] (DfE September 2016) sets out the statutory duties of schools, staff and governing bodies / proprietors to protect and support children.

- Newly appointed qualified teachers will not be permitted to commence in post until we have checked that they are not prohibited from teaching by the NCTL.
- Staff working in early years (children in nursery or Reception) or providing wrap-around care to under-8s are required to declare that they are not disqualified, or disqualified by association, from working with children in Early Years or Childcare settings
- Individuals taking part in the management of an independent school are checked via Secure Access on the DfE website to ensure they are not barred from doing so under s.128 of the Education and Skills Act 2008

It is unlawful to check volunteers against the Barred list unless they have significant unsupervised access to the children regularly or overnight or are involved in giving intimate/personal care. This does not affect our right to undertake an enhanced DBS certificate for some volunteers.

## Who Needs a DBS Certificate?

Everyone who has regular or intensive access to the children or is employed in our school must have an enhanced check, whether they are paid or unpaid. All permanent staff must have an enhanced DBS certificate and any volunteer who will be in school regularly (once a week) or intensively (for more than 4 days in a month). All Governors and Trustees will have an enhanced check. The check will be carried out as soon after a position has been offered. The necessity for an enhanced DBS certificate will be clearly advertised in all relevant job descriptions and recruitment adverts.

## Portability

Portability refers to the re-use of a DBS check, obtained for a position in one organisation and later used for another position in another similar organisation.

Complete portability of a check may be accepted for a temporary, part-time, voluntary or administrative position where access to children is limited. All checks must be at the enhanced level.

### **Individuals not registered with the update service**

If the check is *less than 3 months old* BeyondAutism may allow complete portability for the roles outlined above when accompanied by references and a detailed risk assessment. This will, however, be dependent on the nature of the role and the frequency of regulated activity. A Barred list check will be undertaken for every recruit into regulated activity. BeyondAutism will check the validity of the disclosure with the counter signatory and whether there was additional information provided. (If there was additional information it will be necessary to carry out a new check.)

If the check is *between 3 months and 3 years old* BeyondAutism will carry out a formal risk assessment to determine if a new check is necessary and whether access will be allowed prior to the new check arriving. A Barred list check will be undertaken for every recruit into regulated activity.

Any check over 3 years old will not be portable.

### **Individuals registered with the update service**

Where a new recruit or volunteer indicates that they are registered with the Update service, they will be asked to present their DBS certificate with additional evidence of identity to the HR Team. The certificate will be checked to verify that it has been undertaken at an enhanced level and is related to the Children's workforce. The Adult workforce list will be checked in cases where staff will be working adults.

If the certificate is suitable, an online check will be undertaken and if no change is indicated, portability will be accepted. If the Update screen indicates that there is new disclosure information or that the individual is no longer registered, a new DBS certificate must be sought.

All final decisions relating to portability will be made by the Head of School or in their absence by the CEO.

Disclosure information is kept in electronic HR files, the Single Central Record and (if necessary) in paper form in a locked filing cabinet. Access is strictly controlled and limited to those who are entitled to see it as part of their duties.

In accordance with section 124 of the Police Act 1997, Disclosure 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 Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it. DBS applications are processed by the HR Team. Individuals are required to bring their disclosure certificate into the organisation as soon as it is received and give it to HR for recruitment decisions. The information may also be seen by the Board of Trustees.

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.

### **Disclosure of an Offence**

In the case of a disclosure of an offence, final recruitment decisions relating to DBS certificates will be made by the Head of School who will carry out a formal risk assessment taking into consideration the type of access the position entails, the relevance and severity of any offences, whether they are spent or unspent and the period of time that has passed since an offence, caution or warning. The Head of School will consult the CEO before any final decision is taken on the recruitment of any applicant whose DBS reveals an offence.

Applicants are able to appeal against a recruitment decision by writing to the Head of School or CEO of the charity.

### **Retention of Information**

We will not retain copies of an individual's DBS certificate unless criminal information is disclosed that warrants further investigation/risk assessment. In these circumstances BeyondAutism will not keep Disclosure 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. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS and the individual about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. We recognise that we must have the consent of the individual to copy their DBS certificate.

Where the individual is registered with the Update service, we will print the status report and retain securely in the individual's personnel file for the duration of their employment with us.

Once the risk assessment is complete and/or any retention period has elapsed, we will ensure that the copy certificate and any information relating to criminal history is immediately destroyed by secure means, i.e. by shredding. 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 will 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. Details will be kept on a Single Central Record only accessible by those who are authorised to do so for the purposes of carrying out their duties.***

In addition, for those registered with the Update service, we will retain in their personnel file a copy of the status report.

It is our policy not to recheck staff DBS checks. However, rechecking of staff will be carried out at the discretion of the Head of School, Chair of Governors, CEO and Chair of Trustees in line with national guidelines. In relation to individuals registered with the Update service, if a check were to take place we would seek their consent to undertake periodic online checks.

## **Employment of Ex-Offenders**

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges registered bodies and employers who are Regulated Activity providers (including schools) to have a written policy on the recruitment of ex-offenders, this is found within our Equal Opportunities Policy, a copy of which can be given to DBS applicants at the outset of the recruitment process.

This statement should be read alongside our Equal Opportunities policy.

- As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, BeyondAutism complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- BeyondAutism is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical / mental disability or offending background. The Equal Opportunities Policy is available on our website and on request. 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.
- As a Regulated Activity provider all paid employees at BeyondAutism in regulated activity and therefore subject to checks with the DBS.
- In relation to volunteers and contractors, we only request a DBS check after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.
- 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 the HR team and we guarantee that this

information will only be seen by those who need to see it as part of the recruitment process.

- We ensure that all those in our organisation 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 on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and know where to seek advice if necessary.
- 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 check aware of the existence of the Code of Practice and make a copy available on request.

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

Last review: May 2017

Date of next review: May 2020

Review group: Trustees