



Achieve Excellence

Exceed Expectations

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Disclosure and Barring Service Policy

Date policy approved and adopted	October, 2019
Reviewed By	Governing Body
Review frequency	Annually
Next review date	October, 2020

Accessible Formats

This document is available in English and Welsh in Microsoft Word and pdf formats in Arial font size 12 as standard. This document is also available in large print. To request a copy of this document in an accessible format contact Mrs. Debbie Dickinson (01352 711366).



Disclosure and Barring Service Policy

1. All staff, prior to engaging in paid or unpaid work at Ysgol Maes y Felin, must be the subject of a clear and valid 'Enhanced Disclosure' check by the Disclosure & Barring Service (DBS)).
2. The term 'staff' is meant to cover teaching or non-teaching; permanent, part-time, peripatetic, or temporary; directly or indirectly employed by the LA or *via* an approved agency; whether remunerated, contracted or voluntary.
3. The School Secretary, on behalf of the Headteacher and Board of Governors, will verify that DBS checks on staff employed by the School have been carried out and conform to the specifications and stipulations set by Flintshire County Council as the registering body.
4. The School will arrange DBS re-checks to be undertaken on all staff every three years.
5. Anyone working at the school, in whatever capacity, having unsupervised access on a sustained or regular basis to pupils of the school should be the subject of Enhanced Disclosure checks whose availability, currency and appropriateness must be established prior to their presence in school. In this context 'regular' is defined as one or more times per week or on four or more days in a 30 day period.
6. DBS Disclosure Applications must be completed using the DBS on-line automated system. Applicants are required to provide the relevant ID documents to be verified as part of the DBS process. DBS Disclosure Applications will be countersigned by the School Secretary, on behalf of the School, after verifying the details provided by the applicant and completing the ID verification section.
7. Failure by staff to complete the on-line application (and providing relevant information required for the check) within the specified time will be subject to disciplinary action.
8. It is the responsibility of any agency or contractor providing staff to work in the school to obtain and maintain a valid enhanced DBS check. The school manager with responsibility for engaging such staff will require written confirmation that this is the case and that the individual is not barred from working in a regulated activity with children. The School will always check the availability of such disclosures and will refuse admittance to those unable to provide the relevant documentation.
9. A DBS check is not required if the visitor is supervised appropriately, is carrying out occasional or temporary services or is an office holder, such as a (non-staff) governor. However, any non-staff governor having 'substantial unsupervised access on a sustained or regular basis' will be subject to a DBS check and subsequent re-check.
10. An up-to-date list of those with valid and verified DBS checks will be maintained by the School Secretary and be available at the School's reception.

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11. The Headteacher will arrange for any new appointees, before taking up an appointment, to be subject of a fresh DBS check.

12. If an individual believes that information in their Disclosure is incorrect, then representations may be made to the police via the DBS National Disclosure dispute line (0870 9090778) or via the DBS Adviser/Assistant in the Employment Services Section at Flintshire County Council.

13. This policy does not apply for those engaged in non-regulated activity during holiday periods.

14. The storage and destruction of DBS records will conform to Flintshire County Council's policy.

15. For further details of relevant procedures reference should be made to Flintshire County Council's Policy for the Provision of Disclosure and Barring Service Checks, as amended June 2015.

**Appendix A to Policy for
Disclosure & Barring Service Checks**

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

1. As an organisation using the Disclosure & Barring Service (DBS) service to assess applicants' suitability for positions of trust, Flintshire County Council 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.
2. Flintshire County Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/ mental disability or offending background.
3. 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 candidates for interview based on their skills, qualifications and experience.
4. 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, recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
5. 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 with Flintshire County Council and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
6. We ensure that all those in Flintshire County Council 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.
7. 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

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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.

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

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

Appendix B to Policy for Disclosure & Barring Service Checks

POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

1. General Principles

As an organisation using the Disclosure & Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust, Flintshire County Council 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 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

2. Storage, Access and Retention

Disclosure information is never kept on an applicant's personnel file, only evidence of a check having been undertaken. Any sensitive information is always secured electronically on the capita hosted website with access strictly controlled and limited to those who are entitled to see it as part of their duties.

3. Handling

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 we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage

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.

Appendix C to Policy for Provision of Disclosure & Barring Service Checks

Policy on Foreign Nationals or UK Residents who have Worked or been Resident Overseas in the past Five Years

The DBS can only access criminal records held on the Police National Computer and this does not hold details of convictions, cautions, reprimands or warnings from outside the United Kingdom. A DBS check will not provide details of an overseas criminal record that may, or may not exist.

All persons who are appointed to a post requiring a DBS check must however still undergo a DBS check regardless of their length of stay in the UK or, even if they have never been resident. All new arrivals to the UK must provide, in addition to all documentation in relation to the Immigration requirements, and DBS requirements, a Statement of Good Conduct (SOGC). The definition of new arrival is an applicant who has worked or been resident overseas in the previous five years and this includes citizens of the UK who have worked or lived overseas.

It is preferred that the SOGC is obtained via the relevant UK embassy of every country in which residency or employment is relevant. The applicant is responsible for acquiring this.

Managers/Head Teachers should request that the applicant obtains the SOGC in English, as otherwise costs may be incurred for translation. This document should be considered along with all other employment checks before taking a decision regarding appointment.

It is recommended therefore that prospective candidates are advised that they should obtain their SOGC(s) prior to application or at least before interview.

References must be obtained from previous employers and in the case of those seeking to work with children and/or vulnerable groups, one of these references should be from the last employer where the individual worked with vulnerable clients.

Particular care must be taken with the usual range of other pre-employment checks such as confirming identity, qualifications, verifying work permits and eligibility to work and preemployment medical questionnaires must be carried out.

Although it may be of limited value to ask a person who has little or no previous residence in the UK to apply for disclosure, advice indicates that if the person applies to work in the regulated childcare sector or with vulnerable groups, the employer is required to check the Protection of Children list through the disclosure process.

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The unavailability of an applicant's Certificate of Good Conduct may give cause for concern about his or her suitability to be offered employment in a position of trust.

Although such candidates will not be barred from working for the Council, appointing managers must make their final recruitment decision with due regard to all the relevant facts, the risk assessment and the overall requirement to protect vulnerable groups. Any decision not to appoint must be carefully explained to the candidate and reassurance given about the reasons for it.

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Appendix D to Policy for Disclosure & Barring Service Checks

Interview checklist to review information disclosed on a positive DBS trace for new and renewal checks

Name of applicant/employee:

Position applied for/existing position:

Name of line manager/recruiting manager:

Date of meeting:

Line Manager

Having interviewed the above named person, it is my view that the applicant is suitable/unsuitable for proposed/existing employment:

Signed:

Date:

Name:

Service Manager/Head Teacher

I agree/disagree with the above because

.....
.....
.....
.....

Signed:

Date:

Service Manager/Head Teacher Name:

Checklist for external applicants	
Consider the length of time since the offence occurred?	
Consider the seriousness of the offence and it's relevance to the safety of service users, work colleagues and council property	

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Consider any relevant information offered by the applicant about the circumstances which led to the conviction/caution/reprimand	
Consider if the conviction/caution/reprimand would have an impact on the role being offered to the applicant	

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Was the offence a one-off or part of a history of offending	
Did the applicant disclose this information on application form or at interview? If not explore reasons why not disclosed	
Comments e.g. advice sought from legal/HR	

Checklist for existing employees/relief workers	
Establish if line manager was notified of offence and outcome by employee	
Consider how long the employee relief workers has worked for the council	
Consider any relevant information offered by the applicant about the circumstances which led to the conviction/caution/reprimand	
Was the offence a one-off or part of a history of offending	

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Consider the seriousness of the offence and it's relevance to the safety of service users, work colleagues, council property	
Comments e.g. advice sought from Legal/HR	

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Appendix E to Policy for Provision of Disclosure & Barring Service Checks

Actions as a result of a positive disclosure for Employees

1. If on re-checking an existing DBS, or by other means an offence is discovered the following action must be taken:

The Service Manager/Head Teacher must be informed.

The Service Manager/Head Teacher must complete the Checklist at Appendix D to determine if the employee is still suitable for employment, (copy sent to the Employee Service Centre Team Leader (HR))

In consultation with the HR Business Partner, the Service Manager/Head Teacher must decide if disciplinary action should be taken against the employee.

Suspension must be considered if appropriate to protect children/vulnerable adults. Any Disciplinary action will be taken in accordance with Flintshire County Council's Disciplinary Policy.

2. A refusal by an existing employee to be DBS checked will result in disciplinary action being taken.