



Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

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Safer Recruitment Policy

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Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Contents

1	Introduction	3
2	Recruitment and selection procedure	3
3	Medical fitness	5
4	Pre-employment checks.....	5
4.1	Verification of identity and address	6
4.2	References	6
4.3	Criminal records check	7
4.4	Prohibition from teaching check	9
4.5	Prohibition from management check	10
5	Childcare disqualification requirements	11
6	Contractors and agency staff	13
7	Volunteers	14
8	Visiting speakers and the Prevent Duty	14
9	Policy on recruitment of ex-offenders	15
9.1	Background.....	15
9.2	Assessment criteria	15
9.3	Assessment procedure	16
9.4	Retention and security of disclosure information	16
10	Retention of records	17
11	Whistleblowing and exit interviews.....	17
12	Referrals to the DBS and National College for Teaching and Leadership (NCTL).....	18
13	Queries	18
14	Appendix 1 List of valid identity documents	19
15	Appendix 2 Disclosure and Barring Service Policy and Procedures	21
15.1	Annex A Procedures	22
15.2	Annex B Risk Assessment	24
15.3	Annex C DBS Code of Practice	29
15.4	Annex D Policy Statement on the Recruitment of Ex-Offenders	35

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

1 Introduction

Bishopsgate School is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping children safe in education (September 2016/July 2015) (KCSIE), Disqualification under the Childcare Act 2006 (DUCA), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

2 Recruitment and selection procedure

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms and the School's [Child Protection Safeguarding Policy](#) are available to download from the School's website.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

The applicant may then be invited to attend a formal interview at which his / her relevant skills and experience will be discussed in more detail.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by, the National College for Teaching and Leadership (NCTL) which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- for teaching positions, confirmation from the National College for Teaching and Leadership that the applicant is not subject to a prohibition order;
- where the position amounts to "regulated activity" (see section 4.3 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory. Please see Appendix 2 for our Disclosure and Barring Service Policy and Procedures;
- where the position amounts to "regulated activity" (see section 4.3 below) confirmation that the applicant is not named on the Children's Barred List*;
- information about whether confirmation that the applicant is/has ever been subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children which renders them unable or unsuitable to work at the School;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008, which prohibits, disqualifies or restricts them from being involved in the management of an independent school which renders them unable or unsuitable to work at the School;
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.45 below);
- verification of the applicant's medical fitness for the role (see section 3 below);
- verification of the applicant's right to work in the UK;
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include; an overseas criminal records check, certificate of good conduct or professional references; and
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

*The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

3 Medical fitness

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the Bursar so that appropriate arrangements can be made.

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

4 Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

In fulfilling its obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

4.1 Verification of identity and address

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

The School asks for the date of birth of all applicants (and proof of this) in accordance with KCSIE. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age.

4.2 References

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 8 below). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:



Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 8 below).
(*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

4.3 Criminal records check

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the School.

Since 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

For those aged 18 or over at the time of an offence

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

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

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

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 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 at the time of an 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 elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, 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 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" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other 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>

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original disclosure certificate is provided to the School within one month of it being received by the applicant. Original certificates should not be sent by post. Applicants must bring the original certificate into the School within one month of it being received. A convenient time and date for doing so should be arranged with the Compliance Officer as soon as the certificate has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Compliance Officer. Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s), a certificate of good conduct and/or references from any employment held. Work can only commence once the overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

Please also refer to Appendix 2 'Disclosure and Barring Service Policy and Procedures'

4.4 Prohibition from teaching check

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the NCTL Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the NCTL.

In addition the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the NCTL or other equivalent body in the UK. It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

currently prohibited from teaching but has been the subject of a referral to, or hearing before, the NCTL (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils;
- delivering lessons to pupils;
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the NCTL Teacher Services system.

4.5 Prohibition from management check

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a section 128 direction).

This check applies to appointments to the following positions made on or after 12 August 2015:

- Head;
- teaching posts on the senior leadership team;
- teaching posts which carry a departmental head role; and
- support staff posts on the senior leadership team.

It also applies to appointments to the governing body.

The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

the NCTL Teacher Services system. The School will use either, or both, methods to obtain this information.

In addition the School asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

5 Childcare disqualification requirements

The Childcare Act 2006 (Act) and the Childcare (Disqualification) Regulations 2009 (Regulations) state that it is an offence for the School to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

- EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day;
- LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the School. DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

The criteria for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled;
- having been prohibited, restricted or disqualified from private fostering; or
- living in the same household as another person who is disqualified from EYP or LYP, or living in a household where a disqualified person is employed (disqualification by association). A household is deemed to cover anyone sharing "living space", including the use of a shared kitchen.

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a Self-Declaration Form confirming whether they, or anyone in their household, meet any of the criteria for disqualification under the Regulations. The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School.

Applicants who have any criminal records information to disclose about themselves, or anyone in their household, must also provide the following information:

- details of the order, restriction, conviction or caution and the date that this was made;
- the relevant court or body and the sentence, if any, which was imposed; and
- a copy of the relevant order or conviction.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

Applicants must not ask for information about spent convictions from any member of their household.

For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves and members of their household "to the best of their knowledge".

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the School is found to be disqualified the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

6 Contractors and agency staff

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the Contractor can commence work at the School.

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

The School will independently verify the identity of staff supplied by contractors or an agency in accordance with section 4.1 above and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the School.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

7 Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity set out in section 4.3 above will be applied to all volunteers).

The School will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the School has deemed appropriate to supervise and ensure the safety of those pupils in their care.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

8 Visiting speakers and the Prevent Duty

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitors protocol. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the [Visiting Speaker Policy](#), the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

""Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

The School reserves the right to obtain such information on any other person appointed to work for or at the School.

9 Policy on recruitment of ex-offenders

9.1 Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 9.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

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 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.

9.2 Assessment criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any 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 other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

9.3 Assessment procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Bursar and the Head of the School before a position is offered or confirmed.

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

9.4 Retention and security of disclosure information

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the School will:

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team and the Compliance Officer;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

Please also refer to Annex D of Appendix 2 'Policy Statement on the Recruitment of Ex-Offenders' produced by @lantic Data, the umbrella body through whom Bishopsgate School makes all applications to the DBS.

10 Retention of records

The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the School to discharge its obligations as an employer e.g. so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. Please refer to Appendix 2 for handling of disclosure information. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

11 Whistleblowing and exit interviews

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

performance development reviews and appraisal and finally at an exit interview which are held with all leavers.

12 Referrals to the DBS and National College for Teaching and Leadership (NCTL)

This policy is primarily concerned with the promotion of safer recruitment and details the pre employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the NCTL.

13 Queries

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the Compliance Officer

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

14 Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard with paper counterpart; full or provisional; UK / Isle of Man / Channel Islands and EU)
- birth certificate (UK & Channel Islands; issued at the time of birth (within 42 days of date of birth); full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence (paper version; UK / Isle of Man / Channel Islands and EU; full or provisional)
- current driving licence (photocard; all countries; full or provisional)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands; issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK or EEA)*
- financial statement - e.g. pension, endowment, ISA (UK)**
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands)**
- work permit / visa (UK; valid up to expiry date)
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local authority giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Job Centre, Job Centre Plus, Social Security (UK and Channel Islands) *
- EU national ID card (must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)



Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

- letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

15 Appendix 2 Disclosure and Barring Service Policy and Procedures

Background

Bishopsgate School processes criminal records checks with the Disclosure and Barring Service (DBS) through @lantic Data who act as the School's umbrella organisation. It is of fundamental importance to Bishopsgate to ensure so 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. Any formal offer of appointment will be subject to a satisfactory disclosure from the DBS. The School considers it is also essential that confidential and personal disclosure information from the DBS is used fairly and sensibly in order to avoid unfair discrimination of applicants for appointments at the School. The School applies for enhanced disclosures for all staff involved in regulated activity.

Application Process

Successful applicants will be required to provide proof of their identity to the School. The DBS Application Form will be completed by the School and the Applicant on-line. This process is shown in more detail at **Annex A**.

Consideration of Disclosure Information by the School

On sight of a disclosure from the DBS which contains information of a previous criminal record, the School shall conduct a risk assessment in line with **Annex B**.

Code of Practice

The School notes and agrees to comply with the provisions of the Code of Practice published by the DBS in November 2015 which is reproduced at **Annex C**.

Security of Disclosure Information

Given the confidential nature of the disclosure information, the School will ensure that it is dealt with appropriately.

Disclosure information will be locked away, with access restricted to senior members of staff, their administrative support staff and those who are entitled to see the disclosure information in the course of their duties. When requested, the subject of the disclosure information will be given details of the names of those who have been made aware of it.

Once a recruitment decision has been made, the School will not retain the disclosure information for any longer than necessary, which shall normally be less than 6 months.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

In the event of any dispute with the applicant over the content of the disclosure information, the documents may need to be retained for a longer period, but in general this should not be longer than 6 months after resolution of the dispute.

If, in exceptional circumstances, it is considered necessary to retain disclosure information for a longer period, the DBS will be consulted by the School for their agreement to this.

All disclosure information will be destroyed by secure methods (such as shredding or burning).

All recipients of disclosure information will store all confidential documents in secure conditions. Documents will be locked in non-portable storage containers. Keys for such storage units will be restricted to those named individuals who have access to the disclosure information and who are engaged in the recruitment.

The School will not retain any photocopies or other notes of the Disclosure information, save for:

- retaining details of the date of a disclosure
- the name of the subject
- the type of disclosure
- the position in question
- any relevant risk assessment
- the unique number issued by the DBS to the disclosure
- the recruitment decision that was taken.

If disclosure information is lost, the School will inform the DBS and the subject of the information as soon as possible.

15.1 Annex A Procedures

Responsibility

The Headmaster is responsible for the recruitment and DBS checks for all academic and residential staff including peripatetic teaching staff and teaching contract staff such as tennis coaches. The Bursar is responsible for the recruitment and DBS checks for all support staff. The Recruitment Administrator leads on the day to day administration of the DBS process including liaison with

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

@lantic Data, the applicant and the Disclosure and Barring Service. The Recruitment Administrator is required to keep track of all DBS applications as they proceed through the system.

Contract

The Bursar will lead on all elements of the contract between the School and umbrella organisation – currently @lantic Data.

Process

The process is as follows:

Action	Comment
Advertisement placed	To include notification that an enhanced DBS check will be required.
Job description and application form dispatched	
Sift followed by invitation to first interview.	Invitation to interview will include request to bring documents to provide proof of identification.
First interview.	Recruitment Administrator to copy proof of identity documents.
Invitation to 2 nd interview	
2 nd interview leading to verbal offer	
Offer of appointment	
DBS application	The administrator will complete the ID section of the DBS Form on-line including the proof of identity section using the paperwork collected at 1 st interview.
Applicant section	The applicant will complete the personal details section of the form online.
Disclosure received	DBS will then inform @lantic Data of the Disclosure. Recruitment Administrator downloads disclosure date and reference. DBS sends the disclosure to the applicant.

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Action	Comment
Disclosure brought to school	The applicant brings the disclosure to the Recruitment Administrator for verification.
Action on receipt of disclosure.	<p>If not contentious then the administrator will inform the Headmistress or Bursar who will sign the file record.</p> <p>If contentious, then the Headmaster or Bursar will conduct a written risk assessment (Annex B) and then sign the file record.</p>

15.2 Annex B Risk Assessment

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Applicant:		Position Applied For:	
Factor:	Considerations	Comment	
Is Applicant debarred or disqualified from working with children?	<i>If so, it is an offence for persons banned from working with children to apply to work with children. You should inform the Police, DBS and/or the DfE Children's Safeguarding Operations Unit (formerly the Teacher's Misconduct Team).</i>		
Type of offence/sentence given:	<i>Is the caution/conviction a "one off" or are there several? Are the cautions/convictions of a similar nature?</i>		
Date of offence:	<i>Was the applicant a juvenile or adult at the time of the caution/conviction?</i> <i>How long ago was the caution/conviction awarded?</i>		



Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Relevance to position applied for:	<i>Is the caution/conviction relevant to the role which will be undertaken? Is the Applicant likely to be placed in circumstances similar to those in which he previously offended? Does the position involve face to face contact or contact via ICT that may occur on more than one occasion?</i>	
Level of accountability/responsibility:	<i>What level of supervision will the Applicant receive?</i>	
Applicant's attitude to the offence:	<i>Does the Applicant take responsibility for the offence and recognise the harm that he/she caused?</i> <i>Does the Applicant show remorse?</i>	

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Mitigating circumstances:	<i>Were there particular personal circumstances at that time which led to the offence (eg. financial hardship, dysfunctional family) which have now changed? Is the context behind the offence cause for concern (eg. was the conviction for an act of "self defence" or a premeditated act)?</i>	
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Risk before precautions/ controls High/Medium/Low (Please explain the reasons for your decision)	Minimise Risk By (Describe precautions/controls):	Residual risk after controls are in place High/Medium/Low (Please explain the reasons for your decision)
Decision: Please circle your decision.		
The applicant will not be appointed	The applicant will be appointed	The applicant will be appointed subject to the following conditions



Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

<i>Conditions of appointment:</i>				
Assessment By:				
	Name	Signature	Appointment	Date
1.				
2.				

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

15.3 Annex C DBS Code of Practice

Who does this Code apply to?

The Code of Practice applies to all Registered Bodies with the Disclosure and Barring Service (DBS) under section 120 of the Police Act 1997 (Registered Bodies) and recipients of Update Service information under section 116A of the Police Act 1997. This includes those Registered Bodies that provide an umbrella function to non-registered organisations. The Code refers to any information exchanged between DBS and the Registered Body.

The Code of Practice does not apply to other third parties. The DBS will seek to ensure compliance with the Code through the full range of DBS assurance management processes.

All applicants for a DBS check should be made aware of this Code of Practice and provided with a copy on request.

Disclosure Offences: Sections 123 and 124 of the Police Act 1997¹

Although certificates are now provided directly to the applicant, registered bodies will receive personal information related to applications and, where registered bodies are also employers, voluntary sector organisations or licensing authorities, will receive disclosure information when certificates are provided to them by their employees or applicants for posts, including volunteers.

Recipients of disclosure information, through electronic means or via the applicant's copy of the disclosure, must note that it is an offence to disclose information contained within a DBS Certificate to any person who is not a member, officer or employee of the Registered Body or their client, unless a relevant legal exception applies. Furthermore, it is also an offence to:

1. Disclose information to any member, officer or employee where it is not related to that employee's duties

¹ <http://www.legislation.gov.uk/ukpga/1997/50/section/124>

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

2. Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain, a Certificate

Registered Bodies and those in receipt of Update Service information believed to have committed an offence will be liable to prosecution, suspension or de-registration.

What happens if the Code is breached?

The Police Act 1997 (Criminal Records) (Registration) Regulations 2006² sets out Conditions of Registration. Regulation 7(h) is for compliance with the Code of Practice issued under section 122 of the Act.

Failure to comply with Conditions of Registration can result in the suspension or cancellation of registration. This follows a set legislative process with clear timescales.

Failure to comply with requirements set out in the Data Protection Act may also result in enforcement action from the Information Commissioner's Office (ICO).

The Obligations

Registration Details

The Police Act 1997 (Criminal Records) (Registration) Regulations 2006³ sets out the obligations a Registered Body must meet in order to retain its registration.

Registered Bodies must:

- 1 Provide up-to-date information to the DBS in respect of their registration information and counter signatories in line with current procedures.
- 2 Maintain all accounts, online or otherwise, for all DBS products and delete when no longer required.

² <http://www.legislation.gov.uk/ukxi/2006/750/contents/made>

³ <http://www.legislation.gov.uk/ukxi/2006/750/contents/made>

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

3 Ensure any electronic system used complies with specifications set out in the above regulations.

Application Process

Registered Bodies must:

- 1 Submit applications for a DBS product in the format determined by DBS.
- 2 Ensure that applications for a DBS product are completed accurately and that all data fields determined by DBS as mandatory are completed in full.
- 3 Ensure that any application submitted electronically complies with DBS specifications as stipulated in line with current requirements.
- 4 Ensure that, where evidence checkers complete any part of the administration of the application process, sufficient training has been provided to enable same degree of accuracy required by DBS of the counter signatory.

Identity Verification

Registered Bodies must:

- 1 Verify the identity of the applicant prior to the submission of an application for a DBS product by following the current guidelines issued by DBS⁴.
- 2 Ensure that any person undertaking identity verification checks on their behalf follows the current guidelines issued by DBS.
- 3 Make sure lead or counter signatories do not validate their own applications for any DBS products.

Data Handling

Failure to comply with DPA requirements could result in enforcement action from the ICO.

⁴ <https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide->

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

In line with the Data Protection Act 1998 Registered Bodies and those in receipt of Update Service information must:

- 1 Have a written policy on the secure handling of information provided by DBS, electronically or otherwise, and make it available to individuals at the point of requesting them to complete a DBS application form or asking consent to use their information to access any service DBS provides.
- 2 Handle all information provided to them by DBS, as a consequence of applying for a DBS product, in line with the obligations under Data protection Act 1998.
- 3 Handle all DBS related information provided to them by their employee or potential employee in line with the obligations under Data Protection Act 1998.
- 4 Ensure that a result received as part of an application submitted electronically is not reproduced in such a way that it infers that it is a certificate issued by DBS.
- 5 Ensure any third parties are aware of the Data Protection Principles and provide them with guidance on secure handling and storage of information. For Data Protection purposes, information passed to a Registered Body by DBS remains the responsibility of the Registered Body even if passed to a third party.
- 6 Ensure business continuity and disaster recovery measures are in place and comply with Data Protection requirements.
- 7 Must comply with security requirements under principle 7 of the Data Protection Act⁵.

Suitability Policy

Registered Bodies and those in receipt of Update Service information must:

- 1 Have a written policy on the suitability of ex-offenders for employment in relevant positions. This should be available upon request to potential applicants and, in the case of those carrying out an umbrella function, should be made available to their clients. Clients of Registered Bodies should make this policy available to their potential or existing employees. (@lantic Data Policy statement is attached at **Annex D**)
- 2 Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure.
- 3 Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision.

⁵ <https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

4 Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment.

Payment of Fees

Registered Bodies must:

- 1 Pay all registration fees in line with time periods set out in current procedures.
- 2 Pay all fees relating to DBS products in line with time periods set out in current procedures.
- 3 Pay all fees related to criminal records check applications submitted after any decision by the DBS to suspend registration or deregister the organisation.
- 4 Correctly apply the Police Act definition of a volunteer to each criminal records check application to assert eligibility that no fee should be charged for that application.
- 5 Publish all fees, in relevant documentation, associated with the processing of criminal records check applications when you do so on behalf of others.
- 6 Notify the DBS in writing of any change to the fees associated with the processing of Criminal records check applications when you do so on behalf of others.

Eligibility

Eligibility for DBS checks is set out in the following legislation:

- Standard checks – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975⁶.
- Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations⁷.
- Enhanced checks with children's and/or adults' barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

⁶ <http://www.legislation.gov.uk/ukSI/1975/1023/contents/made>

⁷ The various Police Act 1997 (Criminal Records) regulations can be found by searching on <http://www.legislation.gov.uk>

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

Registered Bodies must:

- 1 Use all reasonable endeavours to ensure that they only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.
- 2 Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list information.
- 3 Ensure they are legally entitled to request any DBS product being applied for.

Compliance Requests

Registered Bodies and those in receipt of Update Service Information must co-operate in full and in line with the timescales in current procedures⁸, when DBS enquiries are made in relation to:

- 1 Ongoing compliance of Registered Bodies and those in receipt of Update Service information with the obligations under this Code.
- 2 Implementing the suspension or de-registration of a Registered Body where non-compliance is established in line with current procedures.

Glossary

Registered Body – employer or company registered with the DBS for the purposes of processing and submitting applications for DBS products.

Umbrella function – Registered Bodies processing and submitting applications for DBS products from employers not eligible to register with the DBS.

⁸ Available at <http://www.gov.uk/DBS>

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

DBS Product – Any level of check available from DBS.

Client – Company or individual engaging umbrella functions from a registered body.

15.4 Annex D Policy Statement on the Recruitment of Ex-Offenders

Produced by Atlantic Data Ltd Page 1 of 1 V2.2

This organisation is using an Umbrella Body for the purpose of obtaining DBS checks from the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust.

We comply with the DBS' Code of Practice and strive to treat all applicants for positions fairly. We will not discriminate against any subject of a certificate on the basis of a conviction or other information revealed.

We are committed to the fair treatment of individuals and users of our services, regardless of race, gender, religion, sexual orientation, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all and hire individuals who display a combination of talent, skills, potential and experience. Furthermore, we welcome applications from a wide range of candidates, including those with criminal records. A DBS check is only requested after a thorough risk assessment has indicated one is relevant to the position concerned. Where a check is required, all application forms, job adverts and recruitment briefs will contain a statement advising a DBS check will be

Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

requested if the applicant is offered the position.

Where a DBS check is to form part of a recruitment process, we encourage all applicants called for interview to provide details of any criminal record at an early stage in the job application process. We request that this information is sent under separate, confidential cover to a designated person within the organisation. This information will only be seen by strictly authorised persons dealing with the recruitment process.

Unless the nature of the position allows us to ask questions about your entire criminal record we only ask about unspent criminal convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that those involved in the recruitment process, have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure they have received appropriate guidance and training in legislation relating to the employment of ex-offenders, i.e. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that open and measured discourse takes place on the subject of any offences or other matters which might be relevant to the position. Failure to reveal information which is directly relevant to the position, could lead to withdrawal of the employment offer.

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

We will discuss any matter revealed in a certificate, with the person seeking the position, before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily stop you from working with this



Safer Recruitment Policy			
Ref.:	EMP002	Rev - 5	Date: Jan 2017

organisation. This will depend on the nature of the position plus the circumstances and background of the offences.