

# BROOMHILL BANK SCHOOL



## Disclosure and Barring Service Policy

*new policy incorporating the Employment of Ex- Offenders policy and new guidance to managers when a positive DBS is reported*

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<b>Recommended</b> Policy	

### **Safeguarding Statement**

The governors and school community are committed to safeguarding and promoting the welfare of children and young people at our school.

Safeguarding legislation and government guidance states that safeguarding means:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children and young people to have the best outcome

All staff receive annual Child Protection and Safeguarding update training and are aware of the procedures for passing on concerns within school.

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## **1. Statement of intent and purpose**

Broomhill Bank School is committed to working in accordance with Keeping Children In Education and complies with the DBS Code of Practice, to treat prospective staff fairly and not to discriminate unfairly against any subject of a criminal record check, because of a conviction or other information revealed please click on link, [DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/db checks: guidance for employers).

Having a criminal record will not necessarily prevent you from working with us. Broomhill Bank School will consider the circumstances and background of any offence(s) and whether it or they are relevant to the position in question, balancing the rights and interests of the individual, our employees, students/parents, school community, third parties and the public, see our recruitment of staff with a positive DBS (ex-offenders) statement. (Appendix 1).

Broomhill Bank School welcomes applications from a wide range of applicants and are committed to providing equality of opportunity to all and aim to select people for employment based on their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

Broomhill Bank School will treat all applicants, employees, staff and volunteers fairly but reserve the right to withdraw an offer of employment if you do not disclose relevant information, or if an Enhanced DBS check reveals information which we reasonably believe would make you unsuitable for the role.

Certain criminal convictions as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, prohibit those individuals from attempting to engage in regulated activity involving children.

Broomhill Bank School are required to carry out a full Enhanced Child and Adult Workforce, with a Children's Barred list check, (Appendix 2), to determine an applicant's suitability for any role within an educational environment. We therefore ask candidates, after shortlisting, to complete the Self-Disclosure form to ascertain whether they have any criminal convictions that would prevent them from fulfilling the role. This is to ensure the candidate is suitable to work for us.

The safeguarding of children is of paramount importance to us and consideration of any (Page 2 of 4 November 2023) unspent conviction or caution or spent conviction or adult caution (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020) is an essential and non-negotiable part of the pre-employment check process.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the school who are required to familiarise themselves and comply with its contents, including volunteers, apprentices, agency workers, workers and employees. Prospective candidates will also have access to this policy.

## **2. Scope**

This policy applies to all Employees, hiring managers and Governors of Broomhill Bank School.

## **3. Adoption Arrangements and Date**

This policy was adopted by the Governing Body of Broomhill Bank School on 29 April 2025 and supersedes any previous Employment of Ex-Offenders Policy.

This policy will be reviewed by the school every year or earlier if there is a need by the Director of HR & Administration and Director of Business, Estates and Communication.

The effectiveness of this policy will be monitored, evaluated, and reviewed by the Director of HR & Administration and Director of Business, Estates and Communication.

Any changes made to the policy will be amended by the HR team and Director of Business, Estates and Communication and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their recruitment process or induction programme.

## **4. DBS Code of Conduct**

The DBS Code of Conduct, published under section 122 of the Police Act 1997, advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Registered Bodies, and those in receipt of the DBS Update Service information, must have a written policy on the suitability of ex-offenders for employment in relevant positions. This policy is shared when Broomhill Bank School advertises all roles on the relevant recruitment websites and clients of Registered Bodies should make this policy available to their potential or existing employees.

## **5. Background**

The Rehabilitation of Offenders Act 1974 allows most convictions and cautions to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information from a prospective employer when applying for most jobs.

All positions that involve working with children 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.

Candidates applying for a vacancy will be asked to complete a Self-Disclosure form (Appendix 3) on which they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or

other matters which may affect an applicant's suitability to work with children.

Further information on the Self-Declaration process for job applicants is contained in the main body of the Recruitment Guidance Notes. Additional information can also be found at

<https://www.nacro.org.uk/nacro-services/criminal-record-support/>

## **6. Legal Framework**

This policy has due regard to legislation and statutory guidance including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2023
- Police Act 1997
- The Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Childcare (Disqualification) Regulations 2018
- Data Protection Act 2018
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989
- The General Data Protection Regulation
- DfE (2023) 'Keeping Children Safe In Education' (KCSIE)
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers'
- DfE (2023) 'Recruit teachers from overseas'
- DBS (2014) 'Sample policy on the recruitment of ex-offenders'
- DBS (2018) 'Handling of DBS certificate information'
- DBS and Ministry of Justice (2023) 'DBS filtering guide'
- Home Office (2015) 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'

This policy operates in conjunction with the following Local Authority and school policies and documents:

- Safer Recruitment Policy
- Previous Employment of Ex-Offenders Policy
- Child Protection Policy
- Single Central Record
- Data Protection Policy
- Disciplinary Policy and Procedure

## **7. Definitions**

### **Standard DBS**

This provides information about convictions and cautions (unless they relate to a youth caution) held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law does allow for certain old and minor matters to be filtered out.

### **Enhanced DBS**

This provides the same information as a standard check, plus any approved information held by the police which a Chief Police Officer reasonably believes to be relevant and considers ought to be disclosed.

### **Enhanced DBS with barred list check**

Where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

The position being applied for, or activities undertaken, must be eligible for an enhanced DBS check in line with the above criteria and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check.

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

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

- Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

### **DBS certificates issued on or after 23 October 2023**

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

- All unspent conditional cautions and convictions (as defined by the Rehabilitation of Offenders

This change will ensure that all records that are disclosed on a DBS basic check will also appear on standard and enhanced checks.

## **8. Regulated activity**

Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.

- Work for a limited range of establishments (known as ‘specified places’, which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under 2.5 is regulated activity if it is carried out frequently by the same person or if the ‘period condition’ is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
- If the activity is done at any time between 2:00am and 6:00am and it gives the person, the opportunity to have face-to-face contact with children.

Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Intimate or personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional

Regulated activity does not include the following:

- Paid work in specified places which is occasional and temporary and does not involve teaching and training
- Supervised activity, which is paid, in non-specified settings, e.g. youth clubs, sport clubs.

## **9. Roles and responsibilities**

The Governing Body is responsible for:

- Approving the Executive Headteacher’s decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that this DBS Policy and the Home Office’s Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school’s single central record (SCR), ensuring its compliance with requirements.

**The Executive Headteacher is responsible for:**

- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Ensuring the HR team maintain an up-to-date Single Central Record. Monitoring the school’s single central record (SCR), ensuring its compliance with requirements.
- Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.



- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold, acceptable DBS checks according to the appropriate level required.
- Informing the Local Authority of any decisions made regarding disclosure information.

## **10. Procedures for staff –**

### **New members of staff**

Staff who engage in regulated activity will require an enhanced DBS Child and Adult Workforce with a barred list certificate. A DBS check can be acquired through several avenues, please see the DBS flowchart in Appendix 2.

Staff will be required to show the original DBS certificate to the HR Team before they begin their employment or as soon as practicable after their employment begins. The HR team will complete a DBS Record Check Form capturing all information from the DBS Certificate (Appendix 4). When a member of staff start work in regulated activity before the DBS certificate is available, the Executive Headteacher will ensure a Risk Assessment (Appendix 5) is completed and the individual is appropriately supervised and that all other checks, including a separate children's barred list check, have been carried out.

Separate children's barred list checks will only be conducted in the following circumstances:

- For newly appointed staff who are engaging in regulated activity, pending the receipt of an enhanced certificate with barred list information from the DBS
- Where an individual has worked in a role in an education setting that brought them into regular contact with students which ended not more than three months prior to that person's appointment to the organisation

There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the individual's appointment, they have worked in:

- A school in England:
  - Which brought them regularly into contact with children or young people.
  - To which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.
- In an institution within the FE sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular contact with children or young people.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

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

### **Existing staff**

The school will only carry out new checks on existing staff when:

- An individual working at the school or college moves from a post that was not regulated activity into work which is regulated activity.
- There has been a break in service of 12 weeks or more.
- There are concerns about an individual's suitability to work with children.

Apart from the circumstances outlined above the school will also request a DBS or barred list check for existing staff members, working in the Residential, every 3 years.

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

The HR team will obtain a written letter of assurance (Appendix 7) from any agency or third-party organisation to confirm that the organisation has carried out all the necessary DBS checks on their staff. The NHS provide a standard letter of assurance for its whole workforce, whereas some smaller employment agencies will need to provide the HR team with an 'individual clearance profile form' with a photo prior to the agency staff member working at the school. Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual. If the agency is unable to supply a barred list check, the HR team will undertake one.

The HR Team will check that the individual presenting themselves for work is the same person for whom the checks have been made, e.g. by asking to see photo ID, DBS form and will complete a DBS Record Check Form to add to the online Single Central Record.

### **Trainee/student teachers**

Where applicants for ITT are salaried by the school or college, the Executive Headteacher will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The HR Team will obtain a written Letter of assurance as confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

## **11. Procedures for governors**

Enhanced DBS checks are mandatory for governors but not associate members. The school will apply for a certificate for any governor who does not have an enhanced certificate.

A barred list check will only be required for governors who, aside from their governance duties, are engaged in regulated activity. The school will contact The Teaching Regulation Agency (TRA) Teacher Services to check if a proposed governor is barred because of a section 128 direction.

## **12. Procedures for volunteers**

Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity. The HR Team will obtain an enhanced DBS check, with barred list information, for any volunteer who is new to working in regulated activity.

The HR team will undertake a risk assessment and seek guidance from the EHT deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. This will then be signed off by the Executive Headteacher. The risk assessment will consider the following:

- The nature of the volunteer's work with children
- What the school knows about the volunteer, including formal or informal information offered by others
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
- Whether the role is eligible for an enhanced DBS

The Executive Headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity.
- Regular and day-to-day.
- Reasonable in all the circumstances to ensure the protection of children

When allowing any volunteers to work at the school, the Executive Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made.

## **13. Procedures for visitors**

The school does not have the power to request DBS checks to be carried out on visitors, e.g. students' relatives or other visitors attending a sports day, or ask to see DBS certificates for visitors. The Executive Headteacher will use their professional judgement when considering the need to escort or supervise visitors during large gatherings, such as sports days. For visits on a one to one basis all visitors will be supervised by a member of staff at all times.

For visitors attending the school in a professional capacity, ID checks will be carried out and the school will be assured that the visitor has had the appropriate DBS check or will have the visitor's employer(s) confirm that their staff have received the appropriate checks. However, all visitors are accompanied at all times when visiting the school.

The school will implement its Visitor Policy to ensure that the welfare of students is safeguarded.

## **14. Procedures for contractors**

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

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

Contractors who engage in regulated activity will be required to obtain an enhanced DBS certificate with barred list check. Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check which does not include a barred list check. In considering whether contact is regular, it will be irrelevant whether the contractor works on a single site or across a few sites. Where the contractor does not have opportunity for regular contact with students, the Executive Headteacher will decide whether a basic DBS disclosure is appropriate.

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

For visitors attending the school in a professional capacity, ID checks will be carried out and the school will be assured that the visitor has had the appropriate DBS check or will have the visitor's employer(s) confirm that their staff have received the appropriate checks. The school will implement its Visitor Policy to ensure that the welfare of students is safeguarded.

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

New staff members who have lived or worked outside the UK will be checked in the same way as all other staff, in line with the procedures outlined in [section 4](#) of this policy.

As of January 2021, the Teacher Regulation Agency (TRA) no longer maintains a list of teachers from the European Economic Area (EEA) with sanctions. The school will continue to carry out safer recruitment checks on all applicants. For applicants who have lived or worked outside of the UK, the school will make any further checks it deems appropriate so that relevant events that occurred outside the UK can be considered, including obtaining enhanced DBS certificate with barred list information, even if the applicant has never been to the UK.

Additional checks will be carried out for teaching roles, e.g. checking documents issued by overseas teaching authorities. The school will request that teachers provide a letter of professional standing issued by the professional regulating authority in the country in which they worked, confirming that they have not imposed any sanctions or restrictions and if they are aware of any reason why they may be unsuitable to teach.

DBS cannot access criminal records held overseas, but it is possible to apply while the applicant is overseas to check if the individual has disclosed any criminal convictions during their time in the UK. In a small number of cases, overseas criminal records are held on the Police National Computer (PNC), and these would be revealed as part of a criminal record check.

You must still verify the identity of an overseas applicant. As the DBS cannot access criminal records held overseas, a criminal record check may not provide a complete picture of an individual's criminal record. For more information, please see the following Home Office guidance:

[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/criminal-records-checks-for-overseas-applicants)

As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record. In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct from relevant embassies or the police.

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

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

The school will consider the specific circumstances of the work experience placement when considering what level, if any, of DBS check is required on individuals supervising students, including those aged 16 and over, on the placement. Consideration will be given to whether the person providing supervision to the student will be unsupervised themselves and providing the supervision frequently, i.e. more than three days in a 30-day period, or overnight.

The Executive Headteacher will ask the employer providing the work experience to confirm that any member of staff who will be working with the child unsupervised and frequently is not a barred person.

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

#### **17. Procedures for alternative provision**

Where a student is placed in alternative provision, the Executive Headteacher will obtain written confirmation from the provider that the appropriate DBS checks have been carried out on the provider's staff.

#### **18. Procedures for arranged homestays during exchange visits**

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

Where the Executive Headteacher arranges for a visiting child to be provided with care and accommodation in the home of a family to which they are not related, the responsible adults will be engaging in regulated activity for the duration of the stay. In these circumstances, and where the school has the power to terminate such a homestay, the school will be the regulated activity provider.

When arranging homestays, the Executive Headteacher will use professional judgement to assess the suitability of the adults in those families who will be responsible for the visiting child during their stay. To help inform the assessment, the Executive Headteacher will obtain enhanced DBS certificates with barred list information. The Executive Headteacher may decide to obtain an enhanced DBS certificate in respect of anyone aged 16 or over in the household where the child will be staying.

When arranging a homestay abroad, the Executive Headteacher will liaise with partner schools abroad to establish a shared understanding of, and agreement to the arrangements in place for the visit. The Executive Headteacher will use professional judgement to determine that the arrangements are appropriate and sufficient to safeguard every child who will take part in the exchange. The Executive Headteacher may decide to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.

Where a period of UK homestay lasts 28 days or more, for a child aged under 16 (or 18 if the child has disabilities), this may amount to private fostering under the Children Act 1989. Where this is the case, the Executive Headteacher will notify the LA of the arrangements

### **19. DBS Disclosures containing criminal information and what to do next (Appendix 8)**

An Enhanced DBS check is considered to contain criminal information, and it includes details of the following:

- A police record of convictions and cautions –
- DBS barred list – Children’s and Adults
- Any other relevant criminal information obtained by the police

If an individual has more than one conviction (Appendix 6), regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.

In the event of a disclosure containing criminal information, the HR Team will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure review form. The HR Team will discuss the disclosed information with the Executive Headteacher to agree a course of action regarding any prospective or existing employee.

The individual will be required to attend a meeting with the Executive Headteacher to confirm that the convictions are theirs (Appendix 9 and 10). If the individual denies that the convictions relate to them, the Executive Headteacher will contact the DBS to carry out an investigation. If it is established by the DBS that the convictions do concern the individual, the Executive Headteacher will explore the circumstances surrounding these and their suitability to work with children.

For prospective employees, all posts will remain pending whilst meetings and investigations take place

- an exception applies if the Executive Headteacher was already aware of the employee’s convictions and had previously discussed that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

For current employees, the Executive Headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.
- Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.

The Executive Headteacher will consult the Director of Business, Estates and Communication when deciding what adjustments will need to be made for the employee concerned.

## 20. Making a recruitment decision

All offers of employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks. The Executive Headteacher and Director of Business, Estates and Communication will consider the magnitude of any DBS disclosures.

**Major disclosures** will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:

- Children's barred list
- Adults' barred list

**Serious disclosures** which involve criminal activity, but do not pose a risk to students, will be discussed with the Executive Headteacher prior to the candidate being accepted for the role. The Executive Headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion.

Following this, the candidate will receive a rejection or acceptance letter.

When considering an applicant who will not be working in regulated activity, the school will not consider any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016).

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

- The seriousness and relevance of the disclosure in relation to the position applied for
- The length of time since the offence or other matters occurred
- Whether it was a one-off incident or if there is a history of incidents
- The circumstances around the incident
- Whether the candidate has accepted responsibility for their actions

A risk assessment (Appendix 11 and 12) will be conducted by the HR team and sent to the Executive Headteacher following a positive disclosure, before deciding on the candidate's suitability. A record of all recruitment decisions following positive DBS disclosures will be kept by the Director of Business, Estates and Communication. Depending on the circumstances of each case, the chair of the Governing Body may be asked to countersign the form recording the recruitment decision.

A flowchart of DBS criminal record checks and barred list checks can be found on page 70 of 'Keeping Children Safe in Education Part 1 2024' – the school will adhere to this flowchart when making recruitment decisions

## 21. DBS update service

Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up to date. The school will only check the status of any DBS certificates if this is legally required for a new role or a change in role. The individual's consent will be gained before the DBS certificate status is checked.

Where consent is given, the school will check the DBS certificate to confirm it matches the individual's identity and examine the original certificate to ensure it is for the appropriate workforce and level of check.

## **22. Referral to the DBS**

The school will uphold its legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a student where they:

- Have harmed or poses a risk of harm. to a student.
- Have satisfied the harm test.
- Have received a caution or conviction for a relevant offence.
- Are, have or may be in the future, working in regulated activity.

The school will follow the DBS' 'Making barring referrals to the DBS' guidance when making such referrals.

Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member from regulated activity.

## **23. Recruitment of staff with a positive DBS (criminal conviction)**

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

All job application forms, job adverts and recruitment briefs that require a DBS check will outline that an application for a DBS certificate will be submitted for all candidates once they have been offered the position. During the recruitment process, the school will ensure that a discussion between the recruitment panel and Executive Headteacher takes place to evaluate any offences or other matters relevant to the position.

Candidates will be informed that failure to reveal any information which is directly related to the post could result in withdrawal of an offer of employment. Any DBS certificates that reveal criminal information will be discussed with the individual, and their eligibility for the position will be reviewed in accordance with this policy.

All applicants will be given a copy of the school's Child Protection / Safeguarding Policy and the DBS Policy which will be placed on the recruitment portal alongside the Job Description, Person Specification and application form, which is prior to shortlisting.

## **24. Single Central Record (SCR)**

The HR team maintains an up-to-date SCR of pre- and post-appointment checks covering all staff (including teacher trainees on salaried routes) and supply staff.

The SCR will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained

- An identity check
- A Children's barred list check



- An enhanced Child and Adult Workforce DBS check
- A prohibition from teaching check A section 128 check
- Further checks on individuals who have lived or worked outside the UK
- A check of professional qualifications
- A check to establish the individual's right to work in the UK

For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff.

The SCR is an electronic database and is accessible by appropriate HR staff and Senior Leaders and this is audited monthly by a Senior Leaders. If a person no longer works at the school, the details of the individual will be removed from the SCR.

## **25. Data handling – DBS information held on our DBS Record Check Form**

All DBS certificates will not be stored in accordance with the school's Data Protection Policy. Each Staff member will have a DBS Record Check Form completed and it will be stored in their electronic personnel file, which only the HR team and Director of Business, Estates and Communication have access to. Access to DBS Record Check Form is strictly controlled and limited to those who are entitled to see them as part of their duties.

In accordance with the Police Act 1997, access to DBS Record Form is strictly controlled and records will only be accessed by the, the HR team, Director of Business, Estates and Communication and the Executive Headteacher.

If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS Record Form, the school will keep a record of the named individual, and the individual whom the DBS Record Form concerns, will be informed prior to the sharing of the information held. The DBS Record Form information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

The school will not keep DBS certificates as HR transfers the information onto the DBS Record form in case of any disputes or complaints. Copies of other documents used to verify the applicants identify, right to work and required qualifications will be kept for the personnel file.

Although the school will not keep any copy of the certificate, a record will be kept of the following:

- The date of issue of the certificate
- The name of the subject
- The type of certificate requested
- The position for which it applied to
- The unique reference number
- The details of the final recruitment decision

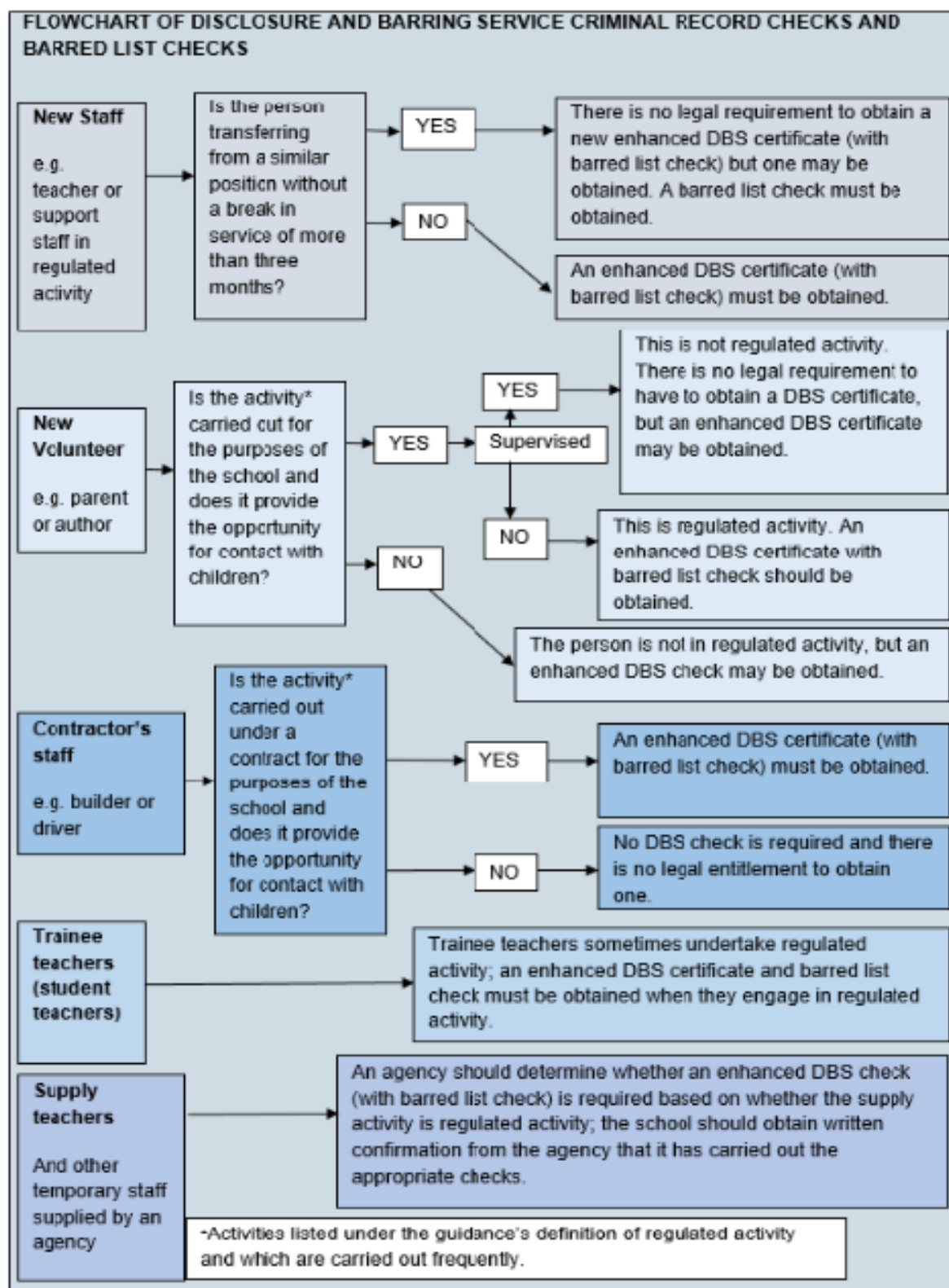
**This policy will be reviewed on an annual basis by the HR team and Director of Business, Estates and Communication in conjunction with the Governing Body. Any changes made to the policy will be amended by the Executive Headteacher and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their Induction programme.**

## Appendix 1 - Recruitment of staff with a positive DBS (ex-offenders') statement

Broomhill Bank School is required to send a Self-Declaration Form to all shortlisted candidates. Once a conditional offer has been made, the school will send a copy of its Child Protection Policy so all are aware of the opportunities to declare any criminal convictions. The recruitment of positive Enhanced DBS of any job applicants outlines the following:

- The Governing Body fully complies with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure based on conviction or other information revealed.
- All applicants are subject to an Enhanced Child and Adult Workforce DBS check before the job appointment is confirmed; this includes details of convictions and cautions, as well as spent and unspent convictions. A positive disclosure will not necessarily prohibit a candidate from being offered a position.
- The school is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- The school promotes equal opportunity and welcomes applicants from a wide range of backgrounds, including those with criminal records.
- Candidates are selected for interviews based on their skills, qualifications and expertise.
- All application forms and recruitment notices will contain a statement that a disclosure will be requested if a position is offered.
- All applicants are encouraged to provide details of their criminal record at the earliest stage possible. This may be sent under a separate and confidential cover.
- All applicants will be made aware of the existence of the DBS Code of Practice and will be provided with a copy on request.
- The school is committed to ensuring all disclosure information will only be seen by those who require access as part of their duties.
- The school will discuss any matters revealed on a DBS certificate with the applicant before withdrawing a conditional offer of employment.
- At the interview, or in a subsequent discussion, open and measured discussion will take place about the offences.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer made.
- Legal advice is available for all involved in the recruitment process to ensure they can identify and assess the relevance and circumstances of offences.
- All recruitment personnel have received appropriate training and guidance in the relevant legislation relating to the employment of ex-offenders.

## Appendix 2 – Flow Chart of Disclosure and Barring Services Criminal Records Checks and Barred List Checks



### Appendix 3 – Self Disclosure Form

Self-Disclosure form

**Broomhill  
Bank  
School**

*preparation for life*

#### **Congratulations on being shortlisted.**

As part of our duty to safeguard students, we are required to check whether you are barred from working with children, and / or whether you have any relevant convictions, court orders, reprimands, warnings, or other matters which may affect your suitability to work with children. This form also requires information from you to be used by the school when carrying out an online recruitment check in line with KCSIE.

Please complete the following form as accurately as possible and return this disclosure form to the school **within 48 hours of being received.**

**Note:** You are not required to disclose convictions or cautions that are ‘protected’, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020), If you are not sure whether one of your convictions is ‘protected’, you can [check here](#) before answering the following questions. More information about filtering and protected offences can also be found on the Ministry of Justice website.

#### **How the Information will be used**

We will use this information to:

- Determine whether you are eligible or not for the role based on barring or childcare disqualification requirements
- Inform our discussions at interview in relation to information disclosed

If you are offered the position, as the role you have applied for involves contact with children, you will also be required to undergo the relevant vetting and barring checks including a DBS check. Information that you provide in this self-declaration will be compared with the appropriate checks.

All information you provide will be treated as confidential and managed in accordance with relevant data protection legislation and guidance.

POST APPLIED FOR:		Date:	
Surname:		Previous name(s) (if any):	
Forename(s):		Preferred title:	Date of birth
National Insurance No:	Teacher Ref. No (if applicable):	Date of recognition as qualified teacher, QTS (if applicable):	

Have you ever been known to any Children's Services department or Police as being a risk or potential risk to children?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide further information:	
Do you have any unspent convictions or conditional cautions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide further information:	
Do you have any spent adult cautions (simple or conditional) or convictions that are not 'protected' as defined by either?  <ul style="list-style-type: none"> <li>- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended in England, Scotland and Wales</li> <li>- Or the Rehabilitation of Offenders (Northern Ireland) Order 1978 as amended in Northern Ireland?</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide further information:	
Have you been the subject of any investigation and/or sanction by a professional body due to concerns about your behaviour towards children?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide further information:	
Do you have any overseas convictions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide further information:	
Are you included on the DBS Children's Barred list?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide further information:	
If an 'online check' was carried out about you (For example a search on Google, Bing, Yahoo!, Baidu, Ask.com, DuckDuckGo, Facebook, LinkedIn, Twitter (X), Instagram, Tik Tok and YouTube) would there be any information available in the public domain that would lead an employer to question your suitability to work with children and/or potentially damage the reputation of the school?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please provide further information:	
Please provide any other 'Names' or 'Handles' you are known by online or on social media to allow 'online checks' to be carried out as part of the recruitment process:	

<b>Confirmation of declaration</b> (tick box below)	
<input type="checkbox"/>	I agree that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children.
<input type="checkbox"/>	I agree that the information provided here may be processed in connection with recruitment purposes and I understand that an offer of employment may be withdrawn, or disciplinary action may be taken if information is not disclosed by me and subsequently comes to the organisation's attention.
<b>Signature of candidate:</b>	
<b>Print name:</b>	
<b>Date:</b>	

*\*In accordance with Keeping Children Safe in Education, where the signature is electronic, the shortlisted candidate should physically sign a hard copy at the point of interview.*

**You may bring your completed disclosure form to the interview in a sealed envelope marked CONFIDENTIAL and give it to the interview panel lead.**

## Appendix 4 – DBS Record Check Form

Broomhill Bank School

### DBS RECORD CHECK



<b>Staff Name:</b>	
<b>Role:</b>	
<b>Date of Birth:</b>	
<b>DBS Certificate Number:</b>	
<b>DBS Issue Date:</b>	
<b>DBS Check level:</b>	
<b>Name of Counter Signatory:</b>	
<b>Name of agency/employer (if applicable):</b>	
<b>Are they on the DBS Update Service? YES/NO</b>	

<b>Date seen:</b>	
<b>New Employee's signature:</b>	
<b>Witnessed by:</b>	
<b>Witness signature:</b>	



## Appendix 5 – BBS Risk Assessment Template



**School Name:** Broomhill Bank

### HSE-5 STEPS TO RISK ASSESSMENT

**Employees Name:**

**Job Title:**

**Assessor's Name:**

**DATE:**

STEP ONE WHAT ARE THE HAZARDS?	STEP TWO WHO MIGHT BE HARMED AND HOW?	STEP 3.1 WHAT ARE YOU DOING ALREADY?	STEP 3.2 WHAT FURTHER ACTION IS NECESSARY?	STEP 4 HOW WILL YOU PUT THE ASSESSMENT INTO ACTION?		
				Action By whom done	Action by when	Done/ Not
					From	

Employee’s Signature: ..... Assessor’s Signature: ..... Medical Officer’s Signature: .....

Head of HR Signature: ..... Head of School Signature: ..... Executive Headteacher Signature: .....

Date circulated: ..... Date for Review: .....

Who needs the information in this risk assessment to list posts or names:.....

## Appendix 6 – Letter of Assurance from third parties

### AGENCY VETTING CHECKS

**Broomhill Bank School is committed to safeguarding and promoting the welfare of children**



Please complete and return the Vetting Checks Form to confirm you have undertaken the Safer Recruitment Checks required which are in keeping with the latest statutory guidance for Keeping Children Safe in Education for schools and colleges (KCSIE 2023). By signing this document, you also undertake to renew, as necessary, any checks on agency staff for the period they are working at Broomhill Bank School, and to inform the school if any information changes during the agency staff's time with us.

### Criminal Record Declaration

As a result of amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020), some minor offences are now protected and should not be disclosed to potential employers, and employers cannot take these offences into account. Information about filtering and protected offences can be found on the Ministry of Justice website.

**NAME OF AGENCY:** .....

Vetting Check	Tick to confirm check undertaken	Comments
As the Agency is the employer of the Agency staff member. As part of the booking process, the Agency will provide a Photo Agency Staff Profile Form, which confirms the Booking details and includes details of all the Safer Recruitment Employment Checks undertaken. The Agency Staff Profile Form will be sent to the Person booking the staff member and to <a href="mailto:hrbroomhill-bank.kent.sch.uk">hrbroomhill-bank.kent.sch.uk</a> where possible one day before the Agency staff member starts		
Photo ID viewed, passport or photo driving licence (visa if applicable) to confirm identity		
Proof of Right to Work in the UK (i.e., photographic visa/check code if a non-British Citizen) or Passport/National Insurance if you are a British Citizen		
If they have worked and lived abroad, has the agency sought a <b>Certificate of Good Conduct</b> from relevant country – Agency to see government guidance on contacting the appropriate embassy.		
Proof of address within 3 months of Enhanced DBS application (e.g., utility bill, council tax)		
Enhanced DBS check for CHILD AND ADULT WORKFORCE for 'Regulated Activity' as our young people are aged 11-19 years – Broomhill Bank School must be informed of any positive results on a DBS with staff members' consent to disclose.		

Children's Barred List Check (formerly known as List 99) people unsuitable to work with children and vulnerable adults		
Online Social Media Recruitment Checks for shortlisted staff have been undertaken?		
Which sites were checked and were any concerns found?		
If concerns were found, please provide further information.		
Full Employment History Checked – all gaps are accounted for.		
Two satisfactory professional references confirming no disciplinary or safeguarding issues		
Health check/fitness to work confirmed		
Criminal record declaration (self-disclosure) – see note above		
Teacher Qualification Check via the DfE to ensure they have <b>obtained QTS</b> and <b>passed their Induction</b> (or they may have QTLS (registration must be checked)		
Anyone engaged in “teaching work” must have been checked against the Prohibition from teaching lists (TRA)		
Other professional employment checks, e.g., HCPC for health or social care professionals		
Evidence of Safeguarding training provided by you to the member of staff before they begin working at Broomhill Bank School		
All agencies have a contractual obligation to Broomhill Bank School (to immediately inform) if they receive a notification from the Police or Social Services or Courts whilst they are employed at Broomhill Bank School.		
All staff will be able to provide photographic identification to prove their identity. They will be required to wear Broomhill Bank School Agency Staff ID. They will need to bring in their DBS certificate and form of identification when they start with us.		

NAME & POSITION OF SIGNATORY: .....

DATE: .....

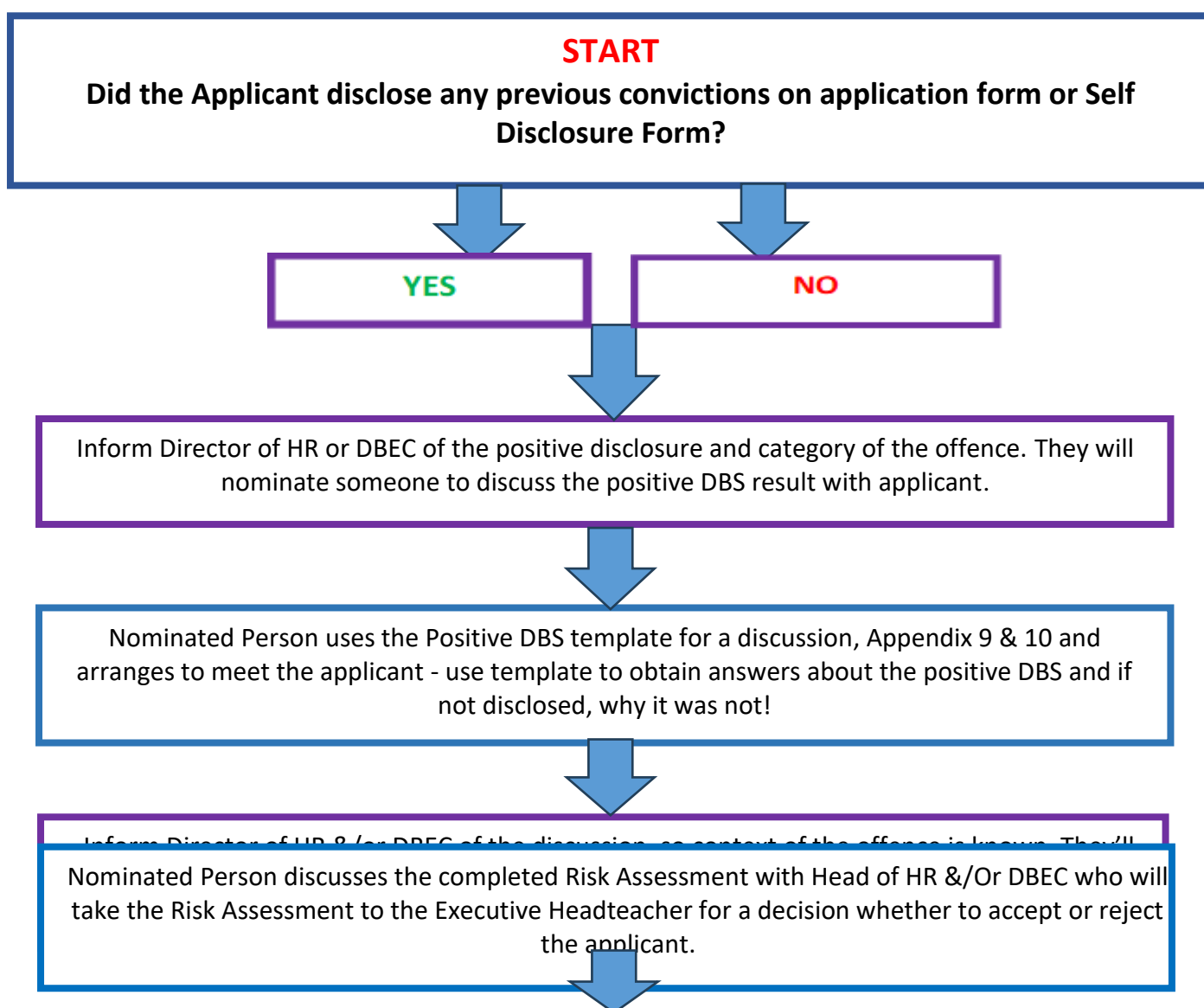
## Appendix 7 - Examples of a Positive DBS

Conviction Details		
Conviction: 1	Date of Conviction: [REDACTED]	Court: [REDACTED]
1	Offence: FOREIGN LEG/TAKING CONVEYANCE WITHOUT AUTHORITY ON THEFT ACT 1968 S.12(1)	Disposal: FINE 75.00
2	FOREIGN LEG/NO INSURANCE ON ROAD TRAFFIC ACT 1972 S.143	FINE 10.00
3	FOREIGN LEG/NO DRIVING LICENCE ON ROAD TRAFFIC ACT 1972 S.84(1)	FINE 10.00
Information from the list held under Section 142 of the Education Act 2002		
NONE RECORDED		

### Conviction Details

Conviction	Date of conviction	Court
1	[REDACTED]	[REDACTED]
1	Offence MAKING A FALSE STATEMENT OR REPRESENTATION IN ORDER TO OBTAIN BENEFIT OR PAYMENT ON [REDACTED] SOCIAL SECURITY ADMINISTRATION ACT 1992 S.112(1)(A)	Disposal COMMUNITY ORDER 12 MTHS UNPAID WORK REQUIREMENT 100 HRS COSTS 150.00
2	MAKING A FALSE STATEMENT OR REPRESENTATION IN ORDER TO OBTAIN BENEFIT OR PAYMENT ON [REDACTED] SOCIAL SECURITY ADMINISTRATION ACT 1992 S.112(1)(A)	COMMUNITY ORDER 12 MTHS UNPAID WORK REQUIREMENT 100 HRS
3	FAIL TO NOTIFY CHANGE OF CIRCUMSTANCES UNDER THE ACT ON [REDACTED] SOCIAL SECURITY ADMINISTRATION ACT 1992 S.112(1A)(A)	COMMUNITY ORDER 12 MTHS UNPAID WORK REQUIREMENT 100 HRS

## Appendix 8 – Process Flowchart on what to do next with a Positive DBS



## Appendix 9 - Disclosure discussions: The role of Hiring Manager

Nominated person implements the Executive Headteacher's decision and notifies the applicant using the appropriate letter, successful or unsuccessful. If successful, please store in applicant personnel file, and if unsuccessful, please store documents up to 6 months and then destroy in accordance with the retention policy.

**Please note** information about criminal records (including anything you record on this template) is sensitive personal data and should be managed appropriately.

Do not share information about the applicant's criminal record unless it is strictly necessary. The hiring manager will need to discuss the information with the HR team, other members of the recruitment panel, or with your safer recruitment lead, but you **must not** share any information with other colleagues.

Explain to the applicant:

- How the records are controlled, stored, and destroyed
- Their right to request: a copy of this document, so that any inaccuracies are corrected, and that information is deleted.

### How to store this template

#### Successful candidates

- If you have determined that the convictions listed on the DBS certificate **are not relevant** or do not pose a risk, retain this record **for no longer than 6 months** then destroy it securely.
- If you have determined that convictions listed on the DBS certificate **may be relevant**, or are manageable with certain safeguards, you can retain this record for as long as it is useful for you to inform ongoing or dynamic risk assessment and mitigation processes.
- Store all criminal records information **securely**, accessible only to those who need this information, and **separately** from the applicant's main personnel file. This record will be stored in a separate secured folder accessible by the HR team.

#### Unsuccessful candidates

- Retain records relating to unsuccessful candidates for 6 months from the date an appointment is made (in case an unsuccessful applicant challenges your decision at an employment tribunal), then destroy them securely.

### Guidance on disclosure discussions


- A disclosure discussion is a conversation with the applicant (either in person or over the phone) to understand the context of their criminal record, and any circumstances surrounding their offences. It will need to involve:
  - The person leading recruitment for the role.
  - Your school's safer recruitment lead (if they are not already involved)
  - Your HR provider (though a HR representative does not have to be physically present)
- It can be difficult for applicants to discuss a criminal record they may feel ashamed or embarrassed about. Be empathetic and sensitive – applicants may disclose other information (e.g., illness, bereavement, or domestic violence) as they explain the circumstances around their criminal record.
- Do not pass judgement on someone's 'attitude' about their offences (for instance, whether you think someone is remorseful). The applicant may have had to discuss their criminal record multiple times throughout their life: at university or as part of training, during job placements, during other job interviews, with new friends or partners, to insurers, etc. Discussion of their criminal record may also require discussion of painful personal circumstances. Over time, people may give simple or matter-of-fact accounts to avoid becoming emotional. Do not let your opinions about the way they discuss their criminal record influence your assessment of whether they are suitable.
- Be clear to the applicant that you are not judging them – your aim is to use the information on their self-disclosure form or DBS certificate to inform the discussion and help you decide their suitability for the post.
- You will need to adapt the questions below based on the contents of a self-disclosure form or the results of the DBS check. Ask specific questions based on the nature of the offence. For instance, if the role is for a school business manager, and the self-disclosure/DBS lists a previous conviction for theft, it is important for you to understand the circumstances around this conviction so you can make a reasoned recruitment decision.

- Do not use this discussion to share your thoughts or opinions about what someone has told you, or to express whether you think they are telling the truth. Reflect on what you hear after the applicant has left the meeting/conversation.



## Appendix 10 – Template for a Discussion with a candidate with a Criminal Conviction

NAME OF APPLICANT:		
ROLE APPLIED FOR:		
DATE OF DISCUSSION:		
NAMES OF STAFF MEMBERS PRESENT:		
NAME OF HR REPRESENTATIVE PRESENT (IF APPLICABLE):		



	NOTES ON APPLICANT'S RESPONSE	ACTIONS/FOLLOW-UP REQUIRED
STANDARD QUESTIONS		
<p>Would you please explain the details of your conviction(s) for [X]?</p> <p>We would like to know:</p> <ul style="list-style-type: none"> <li>• What happened</li> <li>• Who was involved?</li> <li>• Why it happened.</li> <li>• How old you were at the time of the offence?</li> </ul> <p>Note: Be aware that minor, spontaneous misdemeanors are not always explicable. Just because someone cannot explain why something happened does not mean you should not consider them.</p>		

## Appendix 11 - Criminal record assessment guidance: template

### How to use this template

- Use this template **after** you have conducted a formal disclosure discussion with the applicant, so you can be sure you are conducting a fair assessment. Consider the information included on the self-declaration form or DBS check and the information received during the disclosure discussion for each of the factors listed below. The applicant **will not** be present for this stage of the process.
- You should have already checked whether the applicant is barred from working with children. The guidance in this template is framed accordingly.
- You will need to work with your HR provider to conduct this assessment. They will be able to help you assess someone's criminal record against each factor. You can also contact Unlock (see the grey box below) or use guidance on offences published by the Crown Prosecution Service, to help you. You may also need to get advice from legal and/or occupational health experts.
- Information about an applicant's criminal record is sensitive personal data, so do not share it unless strictly necessary. You will need to discuss the information with your HR support, with other members of the recruitment panel, or with your safer recruitment lead, but you **must not** share any information with other colleagues.

### How to store this template

#### Successful candidates

- If you have determined that the convictions listed on the DBS certificate **are not relevant** or do not pose a risk, retain this record **for no longer than 6 months** then destroy it securely.
- If you have determined that convictions listed on the DBS certificate **may be relevant**, or are manageable with certain safeguards, you can retain this record for as long as it is useful for you to inform ongoing or dynamic risk assessment and mitigation processes.
- Store all criminal records information **securely**, accessible only to those who need this information, and **separately** from the applicant's main personnel file.


#### Unsuccessful candidates

- Retain records relating to unsuccessful candidates for 6 months from the date an appointment is made (in case an unsuccessful applicant challenges your decision at an employment tribunal), then destroy them securely.

### In partnership with Unlock

[Unlock](#) is an independent award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record, often long after they've served their sentence. It also supports employers in the fair treatment of people with criminal records.

## Appendix 12– Criminal Record Assessment Template

NAME OF APPLICANT:			
ROLE APPLIED FOR:			
DATE OF ASSESSMENT:			
NAMES OF STAFF MEMBERS PRESENT:			
NAME OF HR REPRESENTATIVE PRESENT:			
FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
<b>Relevance</b>	<p>Consider whether the offence is relevant to the role. Every role is different.</p> <p>Do any of the convictions listed on the DBS certificate relate to, or impact on, the responsibilities of the role?</p> <p>Would the role provide opportunities for re-offending?</p>		
<b>Nature</b>	<p>Consider not just the category of the offence, but what the offence involved.</p> <p>For instance:</p> <ul style="list-style-type: none"> <li>• Financial offences – was it theft or fraud?</li> <li>• Violent offences – was it against a vulnerable person?</li> <li>• Drugs offences – was it possession or supply?</li> </ul>		

<p><b>Seriousness</b></p>	<p>You can get the details you need about the seriousness of an offence from the DBS certificate, or from a disclosure discussion following a self-disclosure.</p> <p>How serious the offence is, as determined by the charge and sentence, may help you determine whether an offence is relevant when balanced against other factors.</p> <p><b>But consider:</b></p> <ul style="list-style-type: none"> <li>• Just because something appears on a DBS check does not always mean it is profoundly serious.</li> <li>• Sentencing is not always uniform or consistent, so do not rely on previous examples of similar convictions to inform your decision and consider the circumstances around the offence.</li> </ul>		
<p><b>Consider</b></p>	<p>Consider whether the person committed a single offence, or whether there is/was a pattern of offending.</p> <p>Think about the following:</p> <ul style="list-style-type: none"> <li>• If they committed a several offences, is there a significant gap between them?</li> <li>• Were the offences committed over a particular period?</li> <li>• How much time has elapsed since the last offence?</li> </ul> <p>Have their circumstances or motivation changed? (see below)</p>		

<b>Pattern</b>	<p>Consider whether the person committed a single offence, or whether there is/was a pattern of offending.</p> <p>Think about the following:</p> <ul style="list-style-type: none"> <li>• If they committed numerous offences, is there a significant gap between them?</li> <li>• Were the offences committed over a particular period of time?</li> <li>• How much time has elapsed since the last offence?</li> <li>• Have their circumstances or motivation changed? (see below)</li> </ul> <p>Those with a pattern of offending up until quite recently may not be able to demonstrate that they have stopped offending.</p> <p>Clear evidence of a break in the pattern of offending can be important, especially for drink and drug-related offences.</p> <p>It may also be true that someone with a single offence (committed quite recently) will not be able to demonstrate sufficient change.</p>		
<b>Age/Time</b>	<p>Look at:</p> <ul style="list-style-type: none"> <li>• The person's current age</li> <li>• Their age when the offence was committed.</li> <li>• The length of time since the offence was committed.</li> </ul> <p><b>Remember:</b> conviction dates can often be much later than when the offence was committed.</p>		

<b>Circumstances</b>	<p>You may not need to consider the circumstances around every offence (such as minor offences dealt with by way of a caution or fine).</p> <p>If you do need to understand the circumstances, consider what you learned from the disclosure discussion about:</p> <ul style="list-style-type: none"> <li>• What happened?</li> <li>• Who was involved?</li> <li>• Why did it happen?</li> </ul> <p>Think about any aggravating or mitigating circumstances, such as issues with:</p> <ul style="list-style-type: none"> <li>• Accommodation</li> <li>• Education or employment</li> <li>• Finances</li> <li>• Lifestyle and associates</li> <li>• Relationships</li> <li>• Drug and alcohol use</li> <li>• Health</li> <li>• Emotional or mental wellbeing</li> </ul> <p>Also consider:</p> <ul style="list-style-type: none"> <li>• Whether their circumstances have changed</li> <li>• Whether they have addressed the reason for their offending</li> <li>• Whether they have taken responsibility for their actions</li> </ul>		
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## References and Useful links

### **Disclosure and Barring Service.**

<http://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

[DBS filtering guide - GOV.UK \(www.gov.uk\)](#)

[DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](#)

### **Ministry of Justice**

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

### **National Association for the Care and Resettlement of Offenders (NACRO):**

<https://www.nacro.org.uk/criminal-record-support-service/>

### **Unlock – Organisation providing advice for those with criminal records**

<https://unlock.org.uk/>

Which cautions and convictions will be removed from a standard or enhanced DBS disclosure? Filtered and Protected convictions





