



**OUNDLE**

School



**Laxton**  
Junior School

OUNDLE

---

## DBS Disclosure Policy

### **The Requirement for Disclosure and Barring Service (DBS) checks by the School**

Oundle School uses an online Registered Body with the Disclosure and Barring Service (DBS) for the purposes of obtaining access to criminal record checks for employment and voluntary appointments. It is of fundamental importance to Oundle School to ensure as 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 process and review the past criminal records of any successful applicants for positions, before confirming the conditional offer of appointment.

DBS checks are required not only for staff working at the School, but for anyone who may come into regular or intense contact with the pupils. This may include volunteers, staff working on behalf of the School, all residents and visitors (aged 16 years and over) living in School accommodation with access to the Boarding Houses. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

### **DBS Code of Practice**

The School complies with the DBS Code of Practice and undertakes to treat all applicants fairly. A copy of the DBS Code of Practice can be found on the DBS website, in the 'Vacancies' section of the School's website and in the Staff Handbook.

The School considers it also essential that the confidential and personal Disclosure information from the DBS is used fairly and sensibly. The School undertakes not to discriminate unfairly against any applicant on the basis of a conviction or other information disclosed as a result of a criminal record check. The School makes appointment decisions on the basis of merit and ability.

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 attempt to apply for a position at the School. The School will make a report to the Police and the DBS or other regulatory bodies 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.

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.

## Filtering Rules

Since the 29<sup>th</sup> of May 2013 the DBS commenced the filtering and removal of specified information relating to old and minor offences from all criminal records disclosures. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected".

"Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable.

However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable.

"Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. 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 filtering rules have recently been updated and work as follows:

### For those aged 18 years and over at the time of offence

A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- 11 years have elapsed since the date of conviction;
- It did not result in a custodial sentence; and
- It was not imposed for a "specific offence".

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if 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 years at the time of the offence

A spent conviction for an offence committed in the United Kingdom when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if::

- Five and a half years have lapsed since the date of the conviction; and
- It did not result in a custodial sentence; and
- It was not imposed for a "specific offence".

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

## Procedure

Oundle School ensures that all who are involved in the recruitment process, have been trained to handle confidential and sensitive personal data as part of the overall recruitment process.

All applicants are encouraged to provide details of any cautions or convictions that may appear on their Disclosure certificate, subject to the filtering rules, at the earliest opportunity. This is usually on the

supplement issued with the application form. Failure to disclose information that is directly relevant to the position sought, could lead to a withdrawal of an offer of employment as outlined in the School's Recruitment Policy or, if the failure to disclose is discovered after employment has started, may lead to a summary dismissal on the grounds of gross misconduct. All online applications are received directly by the Human Resources Department who are trained to handle sensitive and confidential information. Any applicant submitting their declaration as a hard copy should ensure this information is placed in a sealed envelope marked 'DBS Confidential' and attached to the application form when applying for a position with the School.

All Disclosure information is separated from the application form at the point of receipt to avoid any potential for unfair discrimination of applicants with criminal records. This information will only be seen by those who need to see it as part of the recruitment process.

Successful applicants will be issued with a link to apply for their DBS Certificate unless the applicant has indicated that they subscribe to the DBS Update Service. Successful applicants are required to complete their DBS application as soon as possible. Original documentation used to verify identity should be brought in person (wherever possible) to the designated person in the School. This information will only be seen by those who need to see it as part of the recruitment process. The School uses this information to verify identity as part of the DBS application process.

### ***Consideration of Disclosure Information***

On receipt of a DBS Disclosure containing any disclosed information, the School shall consider the following:

- Whether the conviction or other information disclosed is relevant to the position in question
- The seriousness of the 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 the other relevant matters.
- The circumstances surrounding the offence and the explanation(s) offered by the applicant.

At interview, or in a separate discussion, the School will discuss any disclosed information or other matters that might be relevant to the position. Any DBS Disclosure revealing that the applicant may be unsuitable to work with, or have regular contact with children, will mean that the applicant will not be employed or permitted to live or work on School premises.

Employment decisions based on consideration of any information provided by the DBS, will relate to the existence and extent of any risk to the welfare of children; offences that do not indicate any significant risk to children will not necessarily debar applicants from employment with the School.

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

### ***Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information:***

Oundle School complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Disclosure information is kept securely in locked, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. It is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given – it will not be passed on to anyone who is not entitled to receive it.

Once a recruitment (or other relevant) decision has been made, the School does not keep Disclosure information for any longer than is necessary and for a maximum of six months. Once the retention period has elapsed, the School will ensure that any Disclosure information is immediately destroyed i.e. by shredding. The School will not leave any Disclosure information in any unsecure place whilst waiting for the shredding to take place.

The School will not keep any copies of the DBS Disclosure but will keep a record of the date of issue of a Disclosure, the name of the person, the position and sector for which the Disclosure was requested, the unique reference number and any details of the recruitment decision taken. The School is required to keep a record of this information by the Department for Education.

Reviewer	AN
Post of Reviewer	Director of HR
Review Date	February 2021
Reviewed by OS	March 2021
Reviewed by LJS	March 2021
Signed off by both Schools	March 2021
Next Review (max. 3 years)	March 2023