



Elmlea Schools' Trust

Disclosure Policy including Policy Statement on the Recruitment of Ex-offenders – Published June 2020

Document History Record of recent Policy changes

Date	Version	Author/Owner	Change	Origin of Change e.g. TU request, change in legislation
Feb 2019	1.0	Clare Sanders	New Policy	Source : EPM Information, BCC Model Policy, Keeping Children Safe in Education

Trustees 'Committee	Staffing
Statutory/Non Statutory	Non Statutory
Policy Adopted	Summer 2020
Review cycle	Three Yearly
Review date	Summer 2023

File ref: C:\Users\ELMLEA SCHOOLS' TRUST\EST Trust And School\EST Approved Policies\EST Staffing Policies\EST Disclosure Policy - Published June 2020.Doc

Purpose of the policy

The Elmlea Schools' Trust (reference as Trust throughout the policy) is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Exceptions Order to the Rehabilitation of Offenders Act (1975).

However, this duty must be carried out with due regard to all other relevant legislation including the Protection of Freedoms Act (2012), the Rehabilitation of Offenders Act (1974), the Data Protection Act (2018) / General Data Protection Regulation (GDPR), the DBS Code of Conduct and the Human Rights Act (1998).

This policy will apply to those seeking paid work or volunteering opportunities within the Trust.

For guidance on the level of Disclosure and Barring Service (DBS) certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required, please refer to the current version of Keeping Children Safe in Education – Safer recruitment section.

Disclosure Policy

1. The Trust has a rolling programme of disclosure checks in accordance with this policy. Employees and Members, Trustees and Governors' in the Trust will be checked prior to appointment and rechecked as part of a rolling programme.
2. Checks will usually be carried out at five yearly intervals in conjunction with the Disclosure Barring Service.
3. The enhanced DBS check searches the applicant's details against criminal records and other sources, including the Police National Computer. The check may disclose convictions, cautions, reprimands and warnings. The applicant and the employer will see the results of the search.
4. The DBS check will either confirm that the applicant doesn't have a criminal record, or it will disclose any relevant convictions, cautions, reprimands, warnings and, if applicable, whether the applicant has been barred from working with children and/or vulnerable adults. The police can also include non-conviction information, which may be relevant. An enhanced DBS check uses a range of different information sources, including the records of the Police National Computer (PNC) and other data sources.
5. The Trust will obtain an enhanced DBS check for every employee, members, trustees, governors and volunteer who is involved in regulated activity working with children and receive a disclosure certificate indicating no relevant convictions, cautions etc. **before** commencing their duties. The same principle will also be applied to agency workers, students, consultants and contractors/sub-contractors.
6. The Safeguarding Vulnerable Groups Act (2006) sets a legal duty for the Trust to refer information to the DBS if the Trust were to dismiss or remove an employee/volunteer from working with children and/or adults (in what is legally defined as regulated activity) because they meet the referral criteria.
7. The Trust has a duty to refer information to the DBS as both a Regulated Activity Provider and also to the Local Authority.
8. Where employees are found to have relevant convictions they will normally be immediately suspended pending an investigation and the application of the Trust's disciplinary policy.
9. Where an employee is found to have a conviction of any kind which she/he has not declared at the appropriate time advice should be taken from the Trust's HR Advisor.

10. The Trust will maintain a Trust single central record (SCR) detailing checks carried out in each school within the Trust. The individual schools are not required to maintain an individual Single Central Record, however, the information in the Trust SCR must be recorded in such a way that allows for details for each school to be provided separately, and without delay, to those entitled to inspect the information, including inspectors as described in the Keeping Children Safe in Education document.

Key responsibilities

1. It is the responsibility of the Board of Trustees to ensure that disclosure checks are carried out for all Trust staff, members, trustees, governors and volunteers and where appropriate contractors. A flowchart is available to identify the checks required for different categories of people working within the Trust ([Appendix 1](#))
2. The Executive Headteacher is responsible for ensuring the scheme is complied with.
3. The Director of Finance and Operations is responsible for the application of this policy.
4. When recruiting or appointing a volunteer, the Director of Finance and Operations should begin the process by looking to see if the role falls under the definition of 'regulated activity' and is therefore entitled to an 'Enhanced Check for Regulated Activity'.
5. All employee posts in Elmlea Schools' Trust are subject to an Enhanced Disclosure as they will be engaged in regulated activities ([Appendix 2](#)).
6. In compliance with the DBS Code of Practice, the Trust will make available a copy of the Elmlea Schools' Trust Policy Statement on the Recruitment of Ex offenders ([Appendix 3](#)) to all job applicants.
7. All job applicants for any Trust post, will be required to complete and submit to the Trust in a sealed envelope on the day of the interview, a Criminal Convictions Disclosure Form ([Appendix 4](#)).
8. The Disclosure Service is only one of a number of pre-employment safeguards against appointing people unsuitable to work with children and young people. Elmlea Schools' Trust will recruit to posts/positions, by using the highest standards. This includes obtaining references from recent employers and if appropriate, questioning referees about the reference they have provided.
9. All staff working at Elmlea Schools' Trust with DBS issued by Elmlea Infants' or Elmlea Junior School, are able to use their DBS in all Elmlea Schools' Trust schools. DBS information will be recorded in a central Trust Single Central Record.
10. All staff posts require an enhanced DBS check, if, for operational reasons, the Executive Headteacher allows someone to work before the enhanced DBS disclosure is returned, a risk assessment must be completed and authorised by Executive Headteacher/Designated Safeguarding Lead ([Appendix 5](#)).
11. All disclosures which are relevant to child protection, regardless of the seriousness of the offence(s)/conviction(s)/charge(s) revealed, will be subject to an objective assessment. Should a positive disclosure be received, the Executive Headteacher is responsible for meeting the candidate/employee to discuss the disclosure and complete a Positive DBS – Record of Recruitment ([Appendix 6](#)).
12. When using an agency worker, the Director of Finance and Operations should ask to see written confirmation from the agency or a copy of the DBS check, to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the Children's and/or Adult's barred list.

13. The agency is legally the employer of any agency worker and the responsibility to obtain a relevant DBS check or an Enhanced check for Regulated Activity is theirs. The Trust should undertake an annual audit of the agencies to ensure they are compliant with our safeguarding requirements.

Employee's responsibilities

1. Employees continued employment in their post is subject to satisfactory enhanced DBS check at five yearly intervals.
2. Employees working with children and vulnerable adults are required, under the Trust's Code of Conduct for Employees to inform the Executive Headteacher immediately if they are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution.

Procedure

New Employees

1. All employees must be disclosure checked at an enhanced with barred list check.
2. The Employee Specification for the post must include a satisfactory disclosure check at an enhanced level as a special feature.
3. The recruitment advertisement must clearly state that the post is subject to an enhanced disclosure check.
4. Application forms and recruitment information must contain a statement that job applicants will be required to disclose their criminal record if they are invited to interview and a DBS check will be carried out if they are offered the job.
5. Candidates invited to interview must complete the Criminal Convictions Disclosure Form and bring along to the interview in a sealed envelope.
6. Candidates must be informed at the time that they are offered the post that it is subject to a satisfactory enhanced disclosure.
7. Successful candidates must complete an online disclosure application form with the Trust's delegated DBS administrator and provide the necessary evidence (originals) for verification.
8. On receipt of the issued DBS Certificate, candidates must submit the original Disclosure certificate to the Trust DBS Administrator for review and to enable the Trust to update the Single Central Record.
9. The Trust records relevant details of the disclosure on its Single Central Record.
10. Successful candidates should not start work until a satisfactory disclosure certificate has been received.
11. Where a satisfactory disclosure certificate is outstanding, the Trust must carry out a risk assessment and introduce control measures e.g. supervised working, to allow a successful candidate to begin restricted duties. **This risk assessment must be expressly authorised by the Executive Headteacher.**
12. The candidate must be told at the time that they start work, if it is prior to the outcome of a DBS check, that if the disclosure is not satisfactory their employment will be terminated.
13. The candidate must be advised that they are re-checked on a five year rolling programme and advised that if unsatisfactory information is received, their continued employment will need to be considered, the outcome of which may be dismissal.

Members Board, Board of Trustees and Local Governors

1. Members, trustees and governors must complete an online disclosure application with the Trust's delegated DBS administrator and provide the necessary evidence (originals) for verification. This is coordinated by the Clerk to the Board of Trustees.
2. Members, trustees and governors are re-checked on a five year rolling programme. The usual term of office for a member, trustee and governor is four years, but they are able to stand for a second term of office and so a re-check would be undertaken.

Volunteers in Schools

1. Volunteers must complete an online disclosure application with the Trust's delegated DBS administrator and provide the necessary evidence (originals) for verification.
2. Non-employees are re-checked after a significant break with the organisation (12 weeks).
3. To reduce further costs to the school, volunteers will be asked to join the DBS Update Service which is free of charge for volunteers. This will enable the Trust and other organisations, to complete further status checks, subject to the volunteers written consent. This allows for portability of a certificate across organisations.

Procedure - Existing Employees

1. The Trust will implement a rolling programme of disclosure checks in accordance with this policy.
2. Checks will usually be carried out at five yearly intervals.
3. In the event the employee refuses for a check to be made the Trust will give the employee the opportunity to discuss their concerns. If the employee still refuses to comply with the requirement he/she will be required to attend a hearing, convened to consider their continued employment in the post in accordance with the Trust's Disciplinary Policy & Procedure or "Some Other Substantial Reason" (for dismissal) procedure (SOSR) as appropriate.
4. If a certificate indicating relevant convictions is received it may be necessary to consider suspending the employee from duties. Advice should be taken from the Trust's HR Support Advisors.
5. Any allegations relating to child protection issues must be considered in accordance with the Area Child Protection Committee "Red Book" before any investigation takes place under this procedure.
6. Consideration should be given to suspending the employee as, if proven, the allegation would constitute gross misconduct. The Executive Headteacher, and the Board of Trustees have the authority to suspend an employee. Advice will be taken from the Trust's HR Support Advisors.
7. A hearing should be convened to consider the employee's continued employment in post. The hearing will be in accordance with the Trust's Disciplinary procedure.
8. An appeal against dismissal will be heard by a panel of Trustees who have not been previously involved in the case.
9. The Executive Headteacher will advise staff that they are requested to inform the Executive Headteacher immediately if they are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution.

Contractors

1. The Trust will ensure that any contractor, or any employee of the contractor, who is to work at the Trust, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.
2. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The Director of Finance and Operations is responsible for determining the appropriate level of supervision depending on the circumstances.
3. If an individual working at the Trust is self-employed, the Trust should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.
4. The schools in the Trust will always check the identity of contractors and their staff on arrival at the school.

DBS Update Service

Since 2013, individuals are able to apply to have their criminal record check kept up to date. Prior to obtaining a new check for an volunteers the Trust should establish whether they are signed up to the DBS Update Service. Before using the DBS Update service, the Trust must

- Obtain consent from the individual to complete the check;
- Confirm the certificate matches the individuals' identity;
- Examine the original certificate to ensure that it is the appropriate clearance level.

Further information on the DBS Update Service is available: <https://www.gov.uk/government/collections/dbs-update-service-promotional-material>

Positive Disclosure

A positive disclosure does not necessarily mean the prospective employee should not be employed. This will depend upon the type of offence(s) committed. In the case of a positive disclosure, the positive disclosure – record of recruitment decision assessment ([Appendix 6](#)) must be completed and signed off by the Executive Headteacher and the Chair of the Board of Trustees. The completed assessment should be retained confidentiality in a sealed envelope on the employee's personal file.

Guidance Notes - Recruitment of Ex-Offenders

These guidance notes are provided as a reminder of the types of offences that the Trust considers high risk when employing an individual to work with children or vulnerable adults.

Further guidance on accepting a positive DBS result from NACRO at the link below:

<https://www.nacro.org.uk/resettlement-advice-service/support-for-employers/employing-someone-with-a-criminal-record/>

Work with Children

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Services Act 2000, it is unlawful to employ persons, regardless of any mitigating circumstances, who may have regular contact with children who are either:

- Included on the list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children. Unsuitability includes, but is not limited to, previous convictions. Referral to the list must be made by a "childcare organisation" if the person concerned was employed in a post involving the care of children and commits misconduct (whether or not within the course of their employment) which has harmed a child or put a child at risk of harm;

OR

- Subject to a disqualifying order made on being convicted or charged with the following offences against children:
- Murder
- Manslaughter
- Rape
- Other serious sexual offences
- Grievous bodily harm
- Other serious acts of violence.

It is the Trust's normal policy to consider it a high risk to employ persons, who may have regular contact with children, if they have been convicted or charged at any time of the following offences against children or adults:

- Murder
- Manslaughter
- Rape
- Other serious sexual offences
- Grievous bodily harm
- Other serious acts of violence
- Serious class A drug related offences.

Complaints

Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the Disclosure and Barring Service.

Further guidance on all aspects of the DBS process can be found in the Keeping Children Safe in Education document.

Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

Appendices

Appendix 1	Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred Lists Checks
Appendix 2	Regulated activity and types of DBS checks
Appendix 3	Policy Statement on the Recruitment of Ex-offenders
Appendix 4	Criminal Convictions Disclosure Form
Appendix 5	Safer Recruitment – Employment Risk Assessment
Appendix 6	Positive DBS – Record of Recruitment Decision
Appendix 7	ID Checking for Standard and Enhanced DBS Applications – Routes and Documents

- Appendix 8 Sample letter or email to applicants and volunteers
- Appendix 9 DBS Update Service – Consent for Trust to access information
- Appendix 10 Safeguarding Procedures – Agency Letter

Associated Policies and Guidance

Elmlea Schools' Trust Code of Conduct

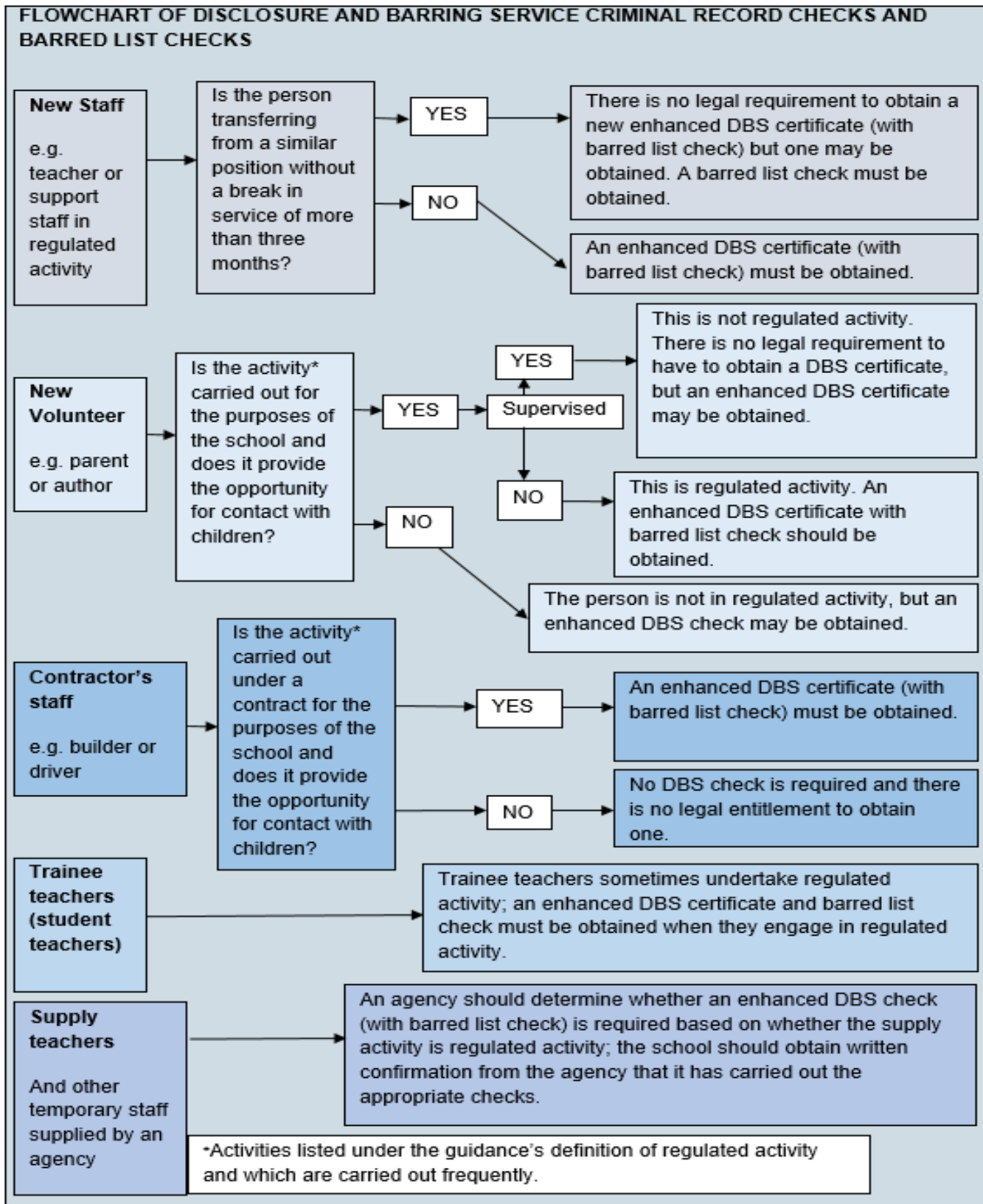
Elmlea Schools' Trust Safer Recruitment Policy

Elmlea Schools' Trust Disciplinary policy

DfE Keeping Children Safe in Education (Statutory guidance issued annually)

Code of Practice for Disclosure and Barring Service (Home Office document)

APPENDIX 1



Appendix 2

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

As the majority of staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information, will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include who would have the opportunity for contact with children and who work under a temporary or occasional contract.

HM Government has produced a factual note on regulated activity in relation to children:

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children
- b) 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 (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - personal care includes 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 or disability;
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

For full details and points of reference please refer to the current version of Keeping Children Safe in Education.

DBS Checks

There are three types of DBS checks, detailed description is provided on the [DBS website](#).

Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;

Enhanced: this provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and

Enhanced 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.

APPENDIX 3



Elmlea Schools' Trust Policy Statement on the Recruitment of Ex-offenders

In accordance with the Disclosure and Barring Service Code of Practice this policy is made available to all job applicants at the outset of the recruitment process. The DBS Code of Practice is available at <https://www.gov.uk/government/publications/dbs-code-of-practice>

- As an organisation which uses the Disclosure and Barring service, the Elmlea Schools' Trust Board of Trustees complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- We meet the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974. A DBS check will therefore be carried out before appointment to any job in the Trust is confirmed. This will include details of convictions cautions and reprimands, as well as 'spent' and 'unspent' convictions. A criminal record will not necessarily be a bar to obtaining a position.
- We are committed to the fair treatment of applicants on all protected grounds and in relation to all history of offending.
- We promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their competencies, qualifications and knowledge.
- Application forms and recruitment information contains a statement that job applicants will be required to disclose their criminal record if they are invited to interview and a DBS check will be carried out if they are offered the job. The information will only be seen by those who need to see it as part of the recruitment process.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the job sought could lead to withdrawal of an offer of employment.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.
- We ensure that people in the Trust who are involved in the recruitment process have access to professional advice to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Having a criminal record will not necessarily bar you from working for the Trust. This will depend on the nature of the position and the circumstances and background of your offences.

APPENDIX 4



Private and Confidential

Criminal Convictions Disclosure Form

Please read the information below before completing the form. The completed form must be brought to your interview for the post of (job) _____ on (date) _____ and given to us in a sealed envelope.

The trust's policy requires all applicants for employment to disclose any previous unspent criminal convictions and any cautions which have not expired, or any pending prosecutions. In addition, the job you are applying for is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (exceptions order 1975) which requires you to disclose all spent convictions and cautions except those which are 'protected' under Police Act 1997 – Part V and the amendments to the Exceptions Order 1975 (2013) and are not subject to disclosure to employers on DBS certificates and cannot be taken into account. Guidance on the filtering of 'protected' cautions and convictions which do not need to be disclosed by a job applicant can be found at www.gov.uk/search?q=filtering&tab=detailed-results.

The information you give will be treated as strictly confidential. Disclosure of a conviction, caution, warning or reprimand will not automatically disqualify you from consideration. Any offence will only be taken into consideration if it is one which would make you unsuitable for the type of work you are applying for. However, offences relating to children are likely to make you unsuitable since this is a 'regulated position' under the Criminal Justice & Courts Services Act 2000. The school's policy on the recruitment of ex-offenders is available on request.

Failure to disclose any relevant offences or give false information will disqualify any offer of employment, or result in summary dismissal if you are in post, with possible referral to the police. Confirmation of appointment is subject to a satisfactory Enhanced DBS Certificate.

Name of Applicant:	Date of Birth of Applicant:
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Spent and Unspent Convictions, Cautions, Warnings and Reprimands except those 'protected'
Please complete this table entering "none" if applicable. Continue overleaf if necessary.

Offence	Date	Court	Sentence/Penalty

Pending Prosecutions

Please complete this table entering "none" if applicable. Continue overleaf if necessary.

Alleged Offence	Appearance Date	Court

Disqualification

It is a legal requirement for schools and academies to ensure that the individuals they employ are not disqualified from working with children who have not yet reached the age of 8. This applies to those working in Early and Later Years settings or where their employment will involve provision for children under the age of 8. By signing this form, you confirm that you are not disqualified from working in the specified settings. If you are appointed, you will be required to immediately inform the Executive Headteacher if you become disqualified.

Signature:		Full Name (in capitals):		Date:	
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Prohibition from Teaching (if teaching post)

I confirm that I am/am not (delete as appropriate) subject to a Prohibition Order or Interim Prohibition Order in line with the School Staffing (England) (Amendment) Regulations 2013.

Signature:		Full Name (in capitals):		Date:	
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Section 128 (if a management position e.g. Executive Headteacher, teaching positions of the Executive or Senior Leadership team, or any teaching positions which carry line management duties)

I can confirm that I am/am not (delete as appropriate) prohibited or restricted from participating in the management of Schools in line with under s.128 of the Education and Skills Act 2008.

Signature:		Full Name (in capitals):		Date:	
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I certify that I have read and understood this form and to the best of my knowledge the information I have entered is true and complete. I understand that if I have failed to disclose or given false information then it will disqualify any offer of employment, or result in summary dismissal if I am in post, with possible referral to the police.

Signature:		Full Name (in capitals):		Date:	
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If you are appointed, this form will be retained on your personnel file for the duration of your employment. If you are not appointed this form will be securely destroyed after six months.

APPENDIX 5

Safer Recruitment – Employment Risk Assessment

This form is only for use in exceptional cases, whether the Executive Headteacher wishes to consider an exemption from the requirement to obtain a valid DBS certificate prior to an employee starting work. It must not be used as an alternative to submitting a DBS form at the earliest possible date. The form should be completed by the Executive Headteacher and must be retained on the employee's personal file indefinitely. Please note that an Enhanced check for Regulated Activity check must be carried out in every case prior to an employee beginning work in Trust.

Candidate's name	
Date Enhanced DBS check requested	
Date DBS form submitted	
Date Enhanced DBS check received	
Date Barred List check processed	
Job Title	
Start date	
Date of Interview	
Name of current/last employer	
Length of service with current/last employer	
Has there been a break in employment since last employed?	
Has this been satisfactorily explained by the candidate?	
Has the candidate declared any previous cautions/convictions/binders/warnings?	
Have these been satisfactorily explained by the candidate?	
Has advice been sought from the HR Professional advisors if there are any concerns about the employee's background?	

Executive Headteachers' Declaration

- I confirm that this job is essential to the successful operation of the Trust.
- I confirm that I have obtained references from two referees, at least one of whom has recent and relevant knowledge of the employee in a work context. I am satisfied that the referee has no reservations as to the applicant's suitability to work with children and young people.
- I confirm that medical clearance has been obtained for this appointment.
- I confirm that I will ensure appropriate levels of supervision and/or mentoring will be maintained at all times (for example, unplanned visits by senior staff to employee's work area and avoiding the person working alone with individual children).
- I confirm that the established child protection procedures, standards and ethos of this Trust provide clear expectations of all staff in matters of child protection.
- I confirm that as part of the employee's induction, the above standards and expectations will be made clear.
- I confirm that the employee will not be given responsibility for high-risk activities e.g. external visits or residential trips until appropriate DBS clearance is obtained.
- I have discussed the details of this appointment and assessed the potential risk(s) with my Chair of the Board of Trustees.

Signed		Name		Date	
	Executive Headteacher				
Chair of Board of Trustees Decision : Exemption endorsed / not endorsed (please delete as appropriate)					
Signed		Name		Date	
	Chair of Board of Trustees				

APPENDIX 6 : Positive DBS – Record of Recruitment Decision

All disclosures which are relevant to child protection, regardless of the seriousness of the offence(s)/conviction(s)/charge(s) revealed, will be subject to an objective assessment. All sections of this form must be completed and the form retained on the personnel file.

Section 1: General			
Date:			
Name of applicant:			
Post applied for:			
Section 2:			Comments
Does the applicant meet all the essential criteria for the post i.e. skills, knowledge and ability?	Yes	No	
Is the type/nature of offence(s) directly relevant to the post? (see Notes at the end of this form)	Yes	No	
When did the relevant offence(s) occur?	Less than 2 years ago	More than 2 years ago	
Is there a pattern of related offences?	Yes	No	
Is there a pattern of unrelated offences?	Yes	No	
Is this context/circumstance still relevant today?	Yes	No	
Was the relevant offence(s) committed at work (i.e. paid employment)?	Yes	No	
What level of independence will the post holder have?	Close Supervision	Minimal Supervision	
Does the applicant demonstrate a determination not to re-offend?	Yes	No	
Did the applicant declare the relevant offence(s) on their application form?	Yes	No	

What response did the applicant give when questioned about the offence(s) revealed?

Have 2 references been received?	Yes	No
What do the references say about the applicant's suitability for work in a "regulated position"?		
In light of the above, does the applicant constitute an unacceptable 'risk'?	Yes	No

Section 3:

Name:	
Declaration:	<p>I understand the Trust's policy on the Recruitment of Ex-Offenders and having considered the above assessment I believe the applicant does/does not* constitute a risk for the following reasons (please provide detail):</p> <p>Therefore, the applicant should/should not* be offered this post.</p> <p>Please note: If you are proposing to appoint a person with a conviction for a HIGH RISK offence you are advised to ensure that Section 3 is countersigned by the Chair of the Board of Trustees.</p> <p>*delete as appropriate</p>
Signed:	Executive Headteacher
Date signed:	
Signed:	Chair of Board of Trustees
Date signed:	

APPENDIX 7

ID Checking for Standard and Enhanced DBS Applications – Routes and Documents (Information issued April 2018)

ID Checking for Standard and Enhanced DBS Applications – Routes and Documents

The following information will help to identify which identity route an applicant and ID checker must use and the requirements of each route.

- Start by identifying which of the three categories below is most appropriate for the applicant.
- Refer to the summary of ID routes and follow the process.
- Full lists of the documents are provided on the next few pages this guidance.



UK/EEA

There's no change to the ID routes in place before 25th January 2018:

- Route 1
- Route 2
- Route 3
- Route 4



Non-EEA in unpaid role

There's no change to the ID routes in place before 25th January 2018:

- Route 1
- Route 4

NB. Route 1 can also be used by non-EEA nationals that are adult household members in a fostering, childminding or host family or are living where 'work with children' takes place e.g. living in a boarding school.



Non-EEA in paid role

From 25th January 2018 a new ID route has been introduced:

- Non-EEA Paid
If an applicant is unable to provide documentation for this route they can't submit a DBS check.

This is because their right to work in the UK can't be established. They can't use any other route.

Summary of ID Routes

Route 1 (UK and EEA nationals and non-UK/EEA nationals in unpaid roles)

An applicant must be able to show:

- one document from Group 1; and
- two further documents from either Group 1 or Group 2a or 2b.

At least one of the documents must show the applicant's current address.

If an applicant can't present the documents above you may consider Route 2.

Non-EEA paid

An applicant who's undertaking paid work and isn't a national of the UK or European Economic Area (EEA) must be able to show:

- one primary document; and
- two further documents from the new group of ID documents supporting their right to work.

If an applicant is unable to provide these documents their right to work in the UK can't be established and they can't submit a DBS check. They can't use any other ID route.

Route 2 (only available to UK and EEA nationals)

Route 2 can only be used if it's impossible to process the application through Route 1.

Non-EEA applicants in paid roles can't use Route 2.

To complete Route 2 an applicant must complete an external ID validation check and provide:

- one document from Group 2a; and
- two further documents from either Group 2a or 2b.

If an applicant is unable to complete the external ID validation or can't present the documents above you may consider Route 3.

Route 3 (only available to UK and EEA nationals)

Route 3 can only be used if it's impossible to process the application through Routes 1 or 2.

For Route 3, the applicant must be able to show:

- a birth certificate issued after the time of birth (UK, Isle of Man and Channel Islands); and
- one further document from Group 2a; and three documents from Group 2a or 2b.

At least one of the documents must show the applicant's current address.

If an applicant can't present the documents above you may consider Route 4.

Route 4

Route 4 is only for applicants that can't provide any primary ID documents and all other available routes have been explored. A manual application must be completed and the applicant will be invited to make an appointment with their local police station and consent to their fingerprints being taken.

Applicants must be residing in the UK to complete a Route 4.



EEA and Non-EEA Unpaid ID Documents

Group 1. Primary Identity Documents

Type of ID Document	Valid Options
Passport	Any current valid passport
Biometric Residence Permit (BRP)	UK
Current photocard driving licence (full/provisional)	UK, Isle of Man, Channel Islands & EEA
Birth Certificate – Issued within 12 months of birth	UK, Isle of Man & Channel Islands (including those issued by UK authorities overseas)
Adoption certificate	UK & Channel Islands

Group 2a. Trusted Government Documents

Type of ID Document	Valid Options
Current photocard driving licence (full/provisional)	Outside of EEA
Current paper driving licence - pre 1998	UK, IOM, Channel Islands & EEA
Birth certificate – Issued after 12 months of birth	UK, Isle of Man & Channel Islands (including those issued by UK authorities overseas)
Marriage/civil partnership certificate	UK & Channel Islands
Immigration document, visa or work permit	Issued by the country outside the EEA, where the role is based to an applicant living and working outside of the UK
HM Forces ID card	UK
Firearms licence	UK, Isle of Man & Channel Islands

Group 2b. Financial and Social History Documents

Type of ID Document	Valid Options	Issue validity
Mortgage statement	UK or EEA**	Issued in last 12 months
Bank/building society statement	A. UK, Channel Islands, EEA* B. Outside the EEA*	Issued in last 3 months

Bank/building society account opening confirmation letter	UK*	Issued in last 3 months
Credit card statement	UK or EEA*	Issued in last 3 months
Financial statement	UK*	Issued in last 3 months
P45 or P60	UK & Channel Islands**	Issued in last 12 months
Council Tax statement	UK & Channel Islands**	Issued in last 12 months
Letter of sponsorship from future employment provider	Non UK/Non EEA – valid only for applicants residing outside of the UK	
Utility bill	UK*	Issued in last 3 months
Benefit statement	UK*	Issued in last 3 months
Central of local government, government agency, or local council document giving entitlement	UK & Channel Islands*	Issued in last 3 months
EEA National ID card	Must be valid	
Cards carrying PASS accreditation logo	UK, Isle of Man & Channel Islands	
Letter from head teacher or college principal	UK - or 16-19 year olds in FT education	

* Issued in last 3 months

** Issued in last 12 months



Non-EEA Paid ID Documents

Primary Identity Documents

Type of ID Document	Valid Options
Biometric immigration document (biometric residence permit)	<ul style="list-style-type: none"> a. Indicating holder has indefinite or no time limit on stay in UK. b. Indicating holder can currently stay in the UK and do the work in question

Passport	<p>a. Endorsed to show the holder has indefinite stay, right of abode or no time limit on stay in UK.</p> <p>b. Endorsed to show the holder is allowed to stay in UK and allowed to do the work in question</p>
Certificate of application issued to a family member of an EEA or Swiss national (issued within previous six months)	Stating that the holder is permitted to work. The holder must also have a Positive Verification Notice (PVN)
Application Registration Card	Stating holder is permitted to take the employment in question. The holder must also have a Positive Verification Notice (PVN)
Residence card	Issued to a non-EEA national who is a family member of an EEA or Swiss national that has a derivative right of residence
Immigration Status Document	<p>a. Containing a photo and endorsed to show the holder can stay in the UK and can do the work in question. Holder must also present a government document giving holder's name and NI number.</p> <p>b. Indicating holder has indefinite stay or no time limit on stay in UK. Holder must also present a government document giving holder's name and NI number.</p>

Group 1.

Type of ID Document	Valid Options
Passport	Any current valid passport
Biometric Residence Permit (BRP)	UK
Current photocard driving licence (full/provisional)	UK, Isle of Man, Channel Islands & EEA
Birth Certificate – Issued within 12 months of birth	UK, Isle of Man & Channel Islands (including those issued by UK authorities overseas)
Adoption certificate	UK & Channel Islands

Group 2a. Trusted Government Documents

Type of ID Document	Valid Options
Current photocard driving licence (full/provisional)	Outside of EEA
Current paper driving licence - pre 1998	UK, IOM, Channel Islands & EEA
Birth certificate – Issued after 12 months of birth	UK, Isle of Man & Channel Islands (including those issued by UK authorities overseas)
Marriage/civil partnership certificate	UK & Channel Islands
Immigration document, visa or work permit	Issued by the country outside the EEA, where the role is based to an applicant living and working outside of the UK

HM Forces ID card	UK
Firearms licence	UK, Isle of Man & Channel Islands

Group 2b. Financial and Social History Documents

Type of ID Document	Valid Options	Validity
Mortgage statement	UK or EEA**	Issued in last 12 months
Bank/building society statement	C. UK, Channel Islands, EEA* D. Outside the EEA*	E. Issued in last 3 months
Bank/building society account opening confirmation letter	UK*	Issued in last 3 months
Credit card statement	UK or EEA*	Issued in last 3 months
Financial statement	UK*	Issued in last 3 months
P45 or P60	UK & Channel Islands**	Issued in last 12 months
Council Tax statement	UK & Channel Islands**	Issued in last 12 months
Letter of sponsorship from future employment provider	Non UK/Non EEA – valid only for applicants residing outside of the UK.	
Utility bill	UK*	Issued in last 3 months
Benefit statement	UK*	Issued in last 3 months
Central of local government, government agency, or local council document giving entitlement.	UK & Channel Islands*	Issued in last 3 months
EEA National ID card	Must be valid	
Cards carrying PASS accreditation logo	UK, Isle of Man & Channel Islands	
Letter from head teacher or college principal	UK - or 16-19 year olds in FT education	

* Issued in last 3 months

** Issued in last 12 months

APPENDIX 8 – Sample letter or email to applicants and volunteers

Dear

As outlined in the current version of “Keeping Children Safe in Education” you are required to undertake a Disclosure and Barring Service (DBS) check.

There are different levels of DBS checks required, depending on the activities you will be involved with, the Trust will identify the level of check that is required.

For volunteers, if you already have a DBS certificate that you have registered with the DBS update service, please complete and return the attached consent form so that we may access your information on that service. We also will need to see sight of your original certificate.

If you do not have a DBS certificate that is registered with the update service, then you will need to make a 15/20 minute appointment to see the DBS Administrator to complete an on-line application.

In order to carry out your DBS check, you are required to provide the Trust with :

- Your full name, and any other name that you may have been known by
- Details of addresses (including postcodes) where you have lived during the past five years
- Your date and place of birth
- Your National Insurance Number
- In addition, you will be required to provide three original personal identification documents
 - Passport
 - Driving Licence
 - Birth Certificate

If you do not have any of the above to hand, then please see attached schedule which gives you alternatives

- Under DBS guidance, we are required to retain copies of the documents you provided for the DBS process

Certificate

Once you have completed the DBS application process, you will receive the DBS certificate directly from the DBS Service. On receipt of the certificate, please bring the original copy into the Trust office (located in the Elmlea Junior School building) so that a record of your clearance can be reviewed and recorded on the Trust Single Central Record to complete our safeguarding procedures.

As soon as the certificate is received, **to reduce costs to schools that you undertake voluntary work for**, we would ask all volunteers to join the DBS Update Service (free of charge to volunteers), enabling other organisations, subject to your consent, to carry out status checks to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across organisations.

For further information on the DBS update service : <https://www.gov.uk/guidance/digital-and-online-services>

APPENDIX 9 – DBS Update Service – Consent for Trust to access information

Cut and paste onto Trust headed paper

DBS Update Service

We understand that you have registered a DBS Certificate with the Update Service. Before we can check this service, we need to obtain consent from you. Please complete and return the form below and return it to the Trust DBS Administrator. We will also be required to view your original certificate to confirm the information on the update service matches your certificate and identity, therefore please bring in the original DBS certificate and some photo ID e.g. Passport or Driving Licence.

Individuals who sign up to the DBS Update Service will be able to see a full list of organisations that have carried out a status check on their account.

Further information is available via the following link:

<https://www.gov.uk/government/collections/dbs-update-service-promotional-material#guidance-for-applicants->

Please complete and return to Elmlea Schools' Trust, DBS Office, Elmlea Junior School Building

Full name of volunteer	
DBS Certificate Number	
Date of Issue	

I have signed up to the DBS Update Service and give consent to Elmlea Schools' Trust accessing my information to carry out future checks

Signed	
Date	

APPENDIX 10 – Safeguarding Procedures – Letter to be sent annually to Supply Agencies (or when using a new agency)

Dear Colleague

Safeguarding Procedures

In line with our Disclose Policy, we would be grateful if you could kindly forward us a letter confirming that all candidates and agency staff you provide to Elmlea Schools' Trust (incorporating Elmlea Infant and Elmlea Junior School), have undertaken the appropriate level of clearance in line with the current version of Keeping Children Safe in Education.

Please could you confirm that during your recruitment and vetting process you have completed and retain evidence of the following:

- Disqualification self-declaration
- An identity check including proof of name changes
- Obtained two references, including once from their current or most recent employer
- Qualifications as appropriate to the post
- Barred list check
- Enhanced DBS check
- Prohibition from teaching check, alongside Section 128 and EEA Regulatory Authority checks (if applicable)
- Right to work in UK
- Overseas policy clearance (if applicable)
- Signed medical declaration
- Signed confirmation from the candidate/agency staff that they have read Keeping Children Safe in Education (Part One)

Please could you also confirm that if a candidate/supply teacher has a positive disclosure, you will inform and discuss this with us prior to their placement in our trust.

All candidates on arrival at our schools, will need to show us their original DBS Certificate alongside an original photo ID document (passport or driving licence).

We look forward to continuing to work with your organisation.

Yours sincerely,