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Part A: Policy

1. Introduction

The Trust, through its leaders and staff, has a duty of care to protect the well-being of the children at our schools/colleges and others with whom the school/college come into contact.

The Disclosure and Barring Service (referred to as 'DBS' for the remainder of this policy) helps employers make safer recruitment decisions about employees and volunteers. It also prevents unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.

This policy sets out how the Trust manages DBS criminal records checks. This policy applies to employees, casual staff, agency workers, volunteers and contractors.

2. Legislative influences

The duties imposed by section 175 of the Education Act 2002, make explicit the responsibilities of multi academy trusts and local governing bodies for safeguarding and promoting the welfare of children.

This policy has been written with regards to the Human Rights Act, the Data Protection Act, the Police Act 1997, the Safeguarding Vulnerable Groups Act 2006; and the Protection of Freedoms Act 2012.

The following is also relevant to this policy:

Section 11 of the Children's Act 2004

This policy complies with requirements under the Working Together to Safeguard Children Document and the Safer Recruitment in Education Guidance produced by the DfE.

3. Disclosure and Barring Service (DBS) lists

The DBS has a legal responsibility to:

- maintain a list of individuals barred from engaging in *regulated activity* with children;
- maintain a list of individuals barred from engaging in *regulated activity* with vulnerable adults;

- reach decisions as to whether a person should be included in one or both barred lists; and
- reach decisions as to whether to remove an individual from a barred list.

4. DBS code of practice

The Trust will comply with the DBS [Code of Practice](#). This is to ensure that the information released will be used fairly and handled and stored appropriately.

5. Disclosure level

The Trust will process all disclosure checks at Enhanced level, with Barred List checks for those roles that meet the criteria for Regulated Activity. A section 128 check will also be requested for all Governors / Trustees and those whose roles relate to the management of the school, including the CEO/Headteachers. The Trust reserves the right to request an enhanced DBS check for any individual working in Trust schools.

6. Responsibility

In each school the Head of School/ Headteacher/ Executive Head is responsible for ensuring this policy and procedure is fully implemented and followed by all staff. Our Trust People team will work together with our schools / colleges to support them to fulfil the responsibilities outlined in this policy and procedure.

7. Rehabilitation of Offenders Act (1974)

Once a conviction is 'spent' as defined by the Rehabilitation of Offenders Act (ROA) 1974, the convicted person does not have to reveal it or admit its existence in most circumstances, including, for example, when applying for a job. However, the two main exceptions to this relate to positions working with children or vulnerable adults. In these circumstances people may be required to reveal both spent and unspent convictions although certain specified old and minor offences will be removed from criminal record certificates issued from 29 May 2013 onwards.

The Trust requires all applicants into posts which are eligible for a DBS disclosure, to declare information on all convictions and cautions that are not "protected" as defined by the ROA (Exceptions) Order 1975 (as amended in 2013 and 2020) and any prosecutions that are pending.

The Trust will treat applicants who have a criminal record fairly and will not discriminate because of a conviction or other information revealed. Possession of a criminal record will not automatically prevent applicants from working with the Trust.

As part of the recruitment process such information will only be considered in light of its relevance to the post for which the applicant is applying. All appointments into posts subject to a DBS check will be made only on condition of a satisfactory DBS Disclosure. If a candidate is successful in their application for employment, the failure to disclose previous criminal history which is not protected under the filtering rules could result in withdrawal of the conditional offer of employment. In circumstances where the DBS disclosure contains positive information, all applicants will be required to show their DBS certificate to the Appointing Officer prior to confirmation of employment.

8. Recruitment administration

All job advertisements and supporting information sent to prospective candidates for posts being recruited to at the Trust will clearly state the requirement for an Enhanced DBS check. Where a role involves regulated activity with children a barred list check will also be required.

If there are any criminal declarations declared on the self-declaration form during the application process ; these will be discussed either at interview or at a separate meeting (see 'Procedure').

A DBS Disclosure will only be requested for the successful candidate(s) at recruitment.

9. Applicants awaiting DBS clearance

A DBS Disclosure will be obtained before an individual starts work with the Trust. There will be no exceptions.

10. Existing DBS checks for employees joining from another employer

The Trust does not accept existing DBS Disclosures from other authorities or outside organisations and anybody joining the Trust will be required to undertake a new DBS check regardless of whether they have been subject to a DBS check in previous employment.

11. Re-checking of existing employees

Each Disclosure certificate will contain the date it was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of a Disclosure at any time after it is issued.

If there is a requirement to re-check an existing employee during the course of their employment, for example due to a change in the nature of the work, they will be required to undertake and complete a new DBS check.

All employees will be expected to comply and any employee refusing to comply with the request for a new DBS check will be advised that their unreasonable refusal to carry out may lead to disciplinary action being taken.

The Trust will ask existing employees in relevant positions to apply for a new DBS Certificate if their actions or activities give cause for concern.

All employee re-checks will be undertaken in conjunction with the provisions of this policy.

12. Volunteers

The Trust occasionally uses volunteers. The requirement to undertake a DBS Disclosure will be determined by the frequency and nature of contact with children i.e. if being left unsupervised with children and/or if having regular contact, which is defined as once a week or more on an ongoing basis or 4 or more occasions in a 30-day period or more.

The Trust will obtain an enhanced DBS check (with children's barred list) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly to provide personal care on a one-off basis in our Trust.

This will be based on a thorough risk assessment of the role to be performed by the volunteer. Volunteers will be expected to complete a volunteer application form and provide at least one reference from the last three years.

Volunteers who only accompany staff and children on one off outings or trips or who help at one off specific event such as sports days, school fetes etc do not need to be DBS checked but they must be supervised in compliance with the statutory guidance. If however, an overnight stay is involved then an enhanced DBS will be obtained.

Statutory guidance on supervision arrangements can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/280881/supervision_of_activity_with_children_which_is_regulated_activity_when_unsupervised.pdf

13. Supply staff

Vetting checks will be required for those who work as supply staff, including those who are employed via a supply agency. The details will be recorded on the school/college/Trust central record (see s.17).

Where supply staff are recruited directly by the Trust the same process will be followed as for all employed staff and an enhanced DBS check with barred list check applied for.

Before taking on supply staff from an agency, the Trust will obtain written confirmation from the agency that the relevant DBS check has been completed and checked. The Agency will be required to notify the Trust if there is information contained on the DBS Certificate so that a risk assessment can be completed by the Trust before a decision is made as to whether to proceed with the assignment.

14. School governors/trustees

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which came into force in March 2016 make enhanced DBS checks mandatory for school governors in maintained, independent, academy and/or free schools. In accordance with these regulations Ivy Education Trust will, within 21 days of appointment or election, apply for an enhanced DBS check. If a governor is engaging in regulated activity a check against the DBS Children's Barred List will be made. An obligatory section 128 check will also be requested for all Governors / Trustees

15. Section 128 checks for governors and managers

The Secretary of State is also able to make directions prohibiting individuals from taking part in independent school management or act as a Governor in a maintained school under Section 128 of the Education and Skills Act 2008.

In view of this a Section 128 check will also be requested via the DBS by the Trust for all those whose roles relate to the management of the school, irrespective of specific job title, including (but not limited to) the Headteacher, deputy/assistant headteachers, governors and trustees. It also covers those employed in positions such as chief financial officers, chief operating officers.

16. Candidates who have lived or worked outside the UK

Where individuals have lived or worked outside of the UK, the Trust will make any checks we think are appropriate so that any relevant events that occurred outside the UK can be considered.

All persons who have lived outside the United Kingdom and who are appointed to a post, or seeking to volunteer at Ivy Education Trust must undergo a DBS check, and where appropriate a DBS Barred List check, regardless of their length of stay in the UK, or even if they have never been resident.

All foreign nationals including UK citizens who have lived or worked overseas in the previous 5 years (in a fixed permanent overseas address for a continuous period of 6 months or more) must undergo the same checks as all other staff within our trust. This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for any applicant who will be engaging in regulated activity) even if the applicant has never been to the UK. In addition, the trust will make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered. These checks could include:

- Criminal records check for overseas applicants – home office guidance can be found on [GOV.UK](https://www.gov.uk) whereby you would obtain a Certificate of Good Conduct (CGC) or overseas criminal record check, in addition to immigration documentation. The applicant will need to provide a CGC or overseas criminal record for every country in which residency or employment is relevant and it should be requested in English otherwise translation costs may be incurred.
- Obtaining a letter from the professional regulating authority in which the applicant worked confirming the applicant has not imposed any sanctions or restrictions, or the applicant is aware of any reasons why the applicant may be unsuitable to teach.

The DBS cannot currently access overseas criminal records or other relevant information as part of the Disclosure service.

The unavailability of applicant's CGC or overseas criminal record may give cause for concern about their suitability to be offered employment or access to children.

Although such candidates will not automatically be barred from working for the Trust, the Executive Headteacher/Headteacher will make a decision with due regard to all the relevant facts, the risk assessment and the overall requirement to safeguard vulnerable groups. Any decision not to appoint the person or allow access will be carefully explained and reassurance given about the reasons for it. In all cases the Trust will ensure that if a CGC or Police check is not available a reference is sought from someone in the country of residence i.e. an overseas employer or professional person.

17. Agency & contractor staff

The Trust will ensure that where agency or contract workers are supplied to carry out duties within the school that brings them into contact with children, an Enhanced DBS

check has been undertaken by the agency or contractor before they commence work. If they are engaging in regulated activity a barred list check will also be required. The Trust will ensure that relevant clauses are included in any contracts in advance of the work starting. The Trust will also obtain written confirmation from the agency or contractor that they have carried out all relevant safer recruitment checks. Additionally, they will provide names of the staff who will be coming onto the school site to fulfil the contract. The Trust will check the ID of the contractors when they arrive at the school.

If no letter of assurance is provided contractors must be accompanied at all times on school sites.

If making regular visits, which is defined as once a week or more on an ongoing basis or 4 or more occasions in a 30-day period or more, schools will record that these checks have been carried out on the SCR.

18. Single central record (SCR)

In addition to the various staff records which are kept as part of normal business, schools must also keep and maintain a single central record of recruitment and vetting checks. All schools and the central team within the Trust uphold this requirement. This record will include all employed staff, (including the central trust team) supply staff (agency), volunteers, governors or any others who work in regular contact with children.

The central record will indicate whether or not the following have been completed - identity and qualification checks, Medical checks, Self-declaration under the Disqualification under the Children's Act 2006(amended in 2018) checks, checks of permission to work in the UK, checks of the DBS Barred list, enhanced DBS Disclosure information, a prohibition from teaching check where applicable, Section 128 check for those in management positions, and overseas criminal record checks (where appropriate). The record will also show the date on which each check was completed and who carried out the check. For supply (agency) staff confirmation of the checks will be provided by the Agency.

19. Maintaining and checking the SCR

Within each school the DSL and Authorising officer are responsible for maintaining the SCR. Overall responsibility for compliance is the responsibility of the CEO. Responsibility for the SCR for the central team sits with the CEO. The Trustees are responsible for quality assurance of this policy.

Part B: Procedure

The following procedure will be followed by Ivy Education Trust when processing DBS checks.

1. Identity checks

All appropriate original documents will be sought and evidence taken in accordance with the DBS Code of Practice.

If an applicant is unable to produce one of the key primary documents, the Trust will contact our DBS provider to arrange an external ID Verification check.

2. Assigning the DBS link

The applicant will receive an email confirming the details of the DBS process, they will receive an email from DBS that they need to access and complete confirming their identity.

3. Validating the DBS certificate

Once the DBS check has been completed, the DBS certificate will be sent directly to the candidate. The Trust will be informed via automated response whether the certificate is clear or contains positive information, but not what that positive information is. Copies of the certificate are not sent to the school/Trust. In circumstances where the check contains positive information, the Appointing Officer will ensure that they see the candidate's certificate and complete any required follow up actions.

4. Further action once the DBS certificate has been validated

A conditional offer of employment is made subject to satisfactory completion of our pre-employment checks. These checks include us being satisfied that an applicant is suitable to work with children in our Trust. Where a DBS certificate is received and is clear (i.e., without any positive criminal information), subject to any other outstanding pre-employment checks being satisfactorily completed, the onboarding process will continue.

Where a criminal record was declared on the during the application process, this will be fully discussed with the candidate seeking the post before a decision to either withdraw or confirm a conditional offer of employment is taken. A risk assessment (see 5) will be carried out to help determine if the criminal history is relevant to the role before any decision is made.

If the DBS Certificate contains information which was not revealed by the candidate, or additional information is received by the police, a further discussion will be held with the candidate and a further review against the risk assessment carried out to determine whether to confirm or withdraw the conditional offer of employment.

5. Risk management – assessing the relevance of a criminal record

Assessing and managing the risk of employing a person with a criminal record, or about whom positive information has been revealed following a disclosure, means comparing the candidate's skills, experience and conviction circumstances against the risk criteria identified for the job and deciding on the relevance of the conviction or other information.

Having a criminal record will not necessarily bar someone from employment with the Trust; this will depend on the background to the offence(s) and the nature of the position being sought.

5.1 Considerations

An objective common-sense approach will be taken by the Trust in assessing the information which will take into account the Trust's responsibilities for safeguarding, and:

- the Trust's duties in law
- the nature of the crime, when it happened and the circumstances involved
- the sentence, if any
- patterns of offending
- efforts to avoid re-offending
- job requirements
- safeguards against offending at work
- possible reactions of employees.

5.2 Candidate/applicant awareness

Applicants will be made aware that Enhanced DBS Certificates might include non-conviction information such as details of cautions, reprimands and warnings and may include other relevant non-conviction information held by the Police.

During a risk assessment discussion, the applicant will be able to give a full account of the circumstances of the offence(s), any extenuating circumstances and of their efforts to avoid re-offending.

Where assessment against the risk criteria indicates that the applicant could be employed on a conditional basis provided that extra safeguards are put into place, the Headteacher / Executive Headteacher or member of the Trust Executive Team will discuss these with the applicant and explain the reasons.

5.3 Assessing the role for risk

When assessing the position, role or contact, a number of factors will be taken into consideration as follows:

Areas to consider	Reason(s)
Exemption status under the Rehabilitation of Offenders Act 1974, duties under the Police and Children's Acts regarding one-to-one contact with children, vulnerable adults or the elderly	It is illegal to employ certain offenders in some occupations.
To what extent are you bound by other legal constraints?	For example, those with motoring convictions employed as drivers.
Does the post involve any direct responsibility for finance or items of value?	What could happen and how serious would that be? What factors would increase or decrease the perceived risk?
Does the post involve direct contact with members of the public?	For example, the nature of the offence and impact of rehabilitation since then.
Will the nature of the job present any realistic opportunities for the post holder to re-offend in the place of work?	Consider whether the offence would create unacceptable risks for other employees, customers, suppliers, clients, service users, etc.

5.4 Assessing the ex-offender and the offences

When assessing any disclosure or disclosed information, consideration will be given to the following:

- The availability of assessments and reports from those agencies involved in the applicant's process of rehabilitation
- The seriousness of the offence and its relevance to the safety of other employees, clients and property.
- The length of time since the offence occurred.
- Whether the offence was a one-off, or part of a history of offending?
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- The country in which the offence was committed. For example, some activities are offences in some countries but may not be in others.
- Whether the offence has since been decriminalised by Parliament.
- The degree of remorse, or otherwise, expressed by the applicant.

5.5 Insurance safeguards

The Trust will consider any insurance cover restrictions that might exclude employment of some ex-offenders in specific positions. Any concerns in this respect will be referred to the Trust's Governance office before the appointment is made.

6. Other pre-employment checks

Whilst DBS checks are vital in the consideration of appropriately staffing posts with access to children and vulnerable people, they are just one in a range of pre-employment checks which will be carried out in order to assess the suitability of candidates.

7. Associated documents / points of reference

[DBS code of practice - GOV.UK](http://gov.uk)

[Keeping children safe in education - GOV.UK](http://gov.uk)

[Working together to safeguard children - GOV.UK](http://gov.uk)

8. Monitoring and review

This policy and procedure will be reviewed every year or in response to changes to legislation or best practice, whichever is the sooner.

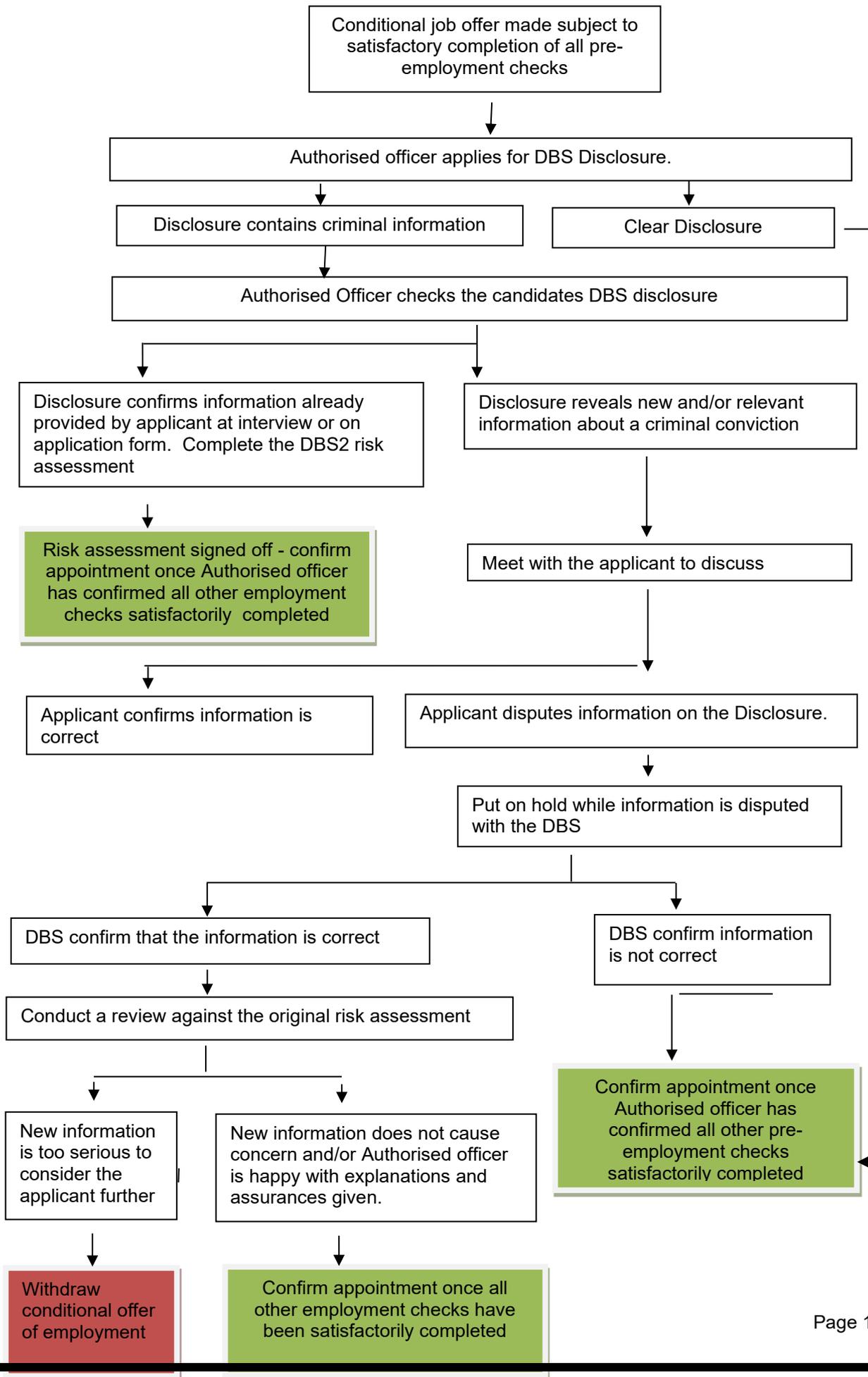
Policy amendment record

Date	Summary of change	Contact	Implementation date	Review date
26.09.08	Updated version of previous policy 'Managing Recruitment & The Disclosure Process'	Tara Hall RDS Manager	October 09	26.09.09
Dec 2012	Updated to change CRB to DBS to reflect the change in organisation from Criminal Records Bureau to the Disclosure & Barring Service.	Sue Beard RDS Manager Laura Taylor Senior HRA	December 2012	02/04/2013
Jan 2014	Re-worded the policy and included updates about on-line DBS applications and removal of some minor convictions	Lisa Thomas HRA Sue Beard – Safe Recruitment Service Manager.		
Feb 2017	General update and re-format. Specific update made to (new) S.14 – School Governors further to the The School Governance (Constitution and Federations)	HR ONE	February 2017	

Date	Summary of change	Contact	Implementation date	Review date
	(England) (Amendment) Regulations 2016 coming into effect			
Jan 2021	Ivy Education Trust V1	HR one/JN	Feb 2021	Feb 2022 or as required.
May 2022	Review. Update to section 5 "Disclosure Level".	Scott Deeming	May 2022	May 2023 or as required.
01/03/2023	Updated to reflect change of Trust's name to Ivy Education Trust. No other changes.	GW		May 2023 or as required.
Sept 2023	Insertion of new section 15 "Section 128 Checks for Governors and Managers".	GH	Sept 2023	May 2024 or as required.
Feb 2025	IET replaced by 'the Trust'. Reviewed and points clarified to ensure level of DBS check clear and relationship with other pre-employment checks clarified. Added links to associated documents.	GH	July 2025	July 2026 or as required

Appendix 1

New appointments: DBS screening flowchart



Appendix 2: Policy Statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information these statements include electronic disclosure information.

1 General principles

As an organisation using the Disclosure & Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Ivy Education Trust complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Certificates and certificate information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

2 Storage and Access

Certificate information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

3 Handling

In accordance with section 124 of the Police Act 1997, Certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Certificate or certificate information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4 Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

5 Retention

Once a recruitment (or other relevant) decision has been made, Ivy Education Trust does not keep Certificate information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Certificate information for longer than six-months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

6 Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately suitably destroyed by secure means, for example, by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential

waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above we will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the unique reference number of the certificates, the role the checks were made for and the details of the recruitment decision taken.

Appendix 3 Recruitment of ex-offenders

Please refer to our Trust policy on the recruitment of ex-offenders published on our website <https://ivyeducationtrust.co.uk/trust-policies>.