



Exmouth
Community
College
Academy Trust

DISCLOSURE & BARRING SERVICE (DBS) POLICY STATEMENTS

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CONTENTS

	Page
Secure storage, handling, use, retention and disposal of disclosures and disclosure information	2
Recruitment of Ex-Offenders	3

The Disclosure and Barring Service (DBS) 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.

Secure storage, handling, use, retention and disposal of Disclosures and Disclosure information (including 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, the College 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 fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

2. Storage and Access

Disclosure information is kept securely, in a locked, 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, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. It will not be passed to anyone who is not entitled to receive it.

4. Usage

Disclosure 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, the College does not keep Disclosure information for any longer than is absolutely necessary, and for a maximum of twelve months to allow for the consideration and resolution of any disputes or complaints. 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 Disclosure information is immediately suitably destroyed by secure means. We will not keep any photocopy or other

image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken. The College is required to keep a record of this information by the Department of Education.

Recruitment of Ex-Offenders

1. The college complies fully with the DBS Code of Practice and undertakes to treat all candidates for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. The College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, responsibilities for dependants, or offending background.
3. This policy on the recruitment of ex-offenders will be made available to all Disclosure applicants at the outset of the recruitment process.
4. We actively 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 skills, qualifications and experience.
5. Application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Once a conviction is 'spent', as defined by the Rehabilitation of Offenders Act (ROA), 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, *two main exceptions 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 College 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 any prosecutions that are pending.

6. All applicants are encouraged to provide details of any convictions, cautions, reprimands, warnings and bind-overs, any convictions in a court of law outside of Great Britain and any prosecutions that an applicant has pending on the application form.
7. We ensure that all those in the College who are involved in the recruitment process have been suitably trained 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.
8. Where a criminal record was declared in the application form, 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.

If the DBS Disclosure 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 to determine whether to confirm or withdraw the conditional offer of employment.

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

9. We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on the college website.
10. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. A risk assessment (DBS 2) will be carried out to help determine if the criminal history is relevant to the role before any decision is taken.
11. Possession of a criminal record will not automatically prevent applicants from working for the College. This will depend on the nature of the position, and the circumstances and background of the offences.