



Sherborne Abbey CE VC Primary School

Criminal Records Checking Policy and Procedure

Incorporating DCSF Requirements for School Record Keeping of Recruitment and Vetting Checks

**Adopted by Governors of the school: January 2012
Review Date: January 2015**

**Issued October 2008
Updated May 2011**

CONTENTS

1.	SCOPE	1
2.	POLICY STATEMENT	1
3.	CRIMINAL RECORDS BUREAU	1
3.1	FUNCTIONS OF THE CRB	1
3.2	CRB COUNTERSIGNATORIES AT DORSET COUNTY COUNCIL	2
3.3	CRB CHECK ADMINISTRATION	2
3.4	CRB CHECK TYPES	2
3.4.1	ENHANCED DISCLOSURE	2
3.4.2	DISCLOSURE CERTIFICATES	2
4.	DISCLOSURE PORTABILITY	2
4.1	PORTABILITY BETWEEN LAS	2
4.2	PORTABILITY WITHIN THE DORSET LA	3
4.3	MOVING JOBS WITHIN THE SCHOOL	3
5.	POSTS SUBJECT TO CRIMINAL RECORD CHECKS	3
5.1	SCHOOL STAFF	3
5.2	DESIGNATED SENIOR PERSON FOR CHILD PROTECTION	3
5.3	GOVERNORS	3
5.4	VOLUNTEERS	3
5.4.1	DETERMINING WHETHER VOLUNTEER CRB CHECKING IS REQUIRED	3
5.4.2	SCHOOL EXCHANGE HOST FAMILIES	4
5.4.3	STARTING WORK PENDING A CRB CHECK OR WHERE NO CHECK IS REQUIRED	4
5.5	EXTENDED SERVICES & PARTNERSHIP STAFF	4
5.5.1	STAFF EMPLOYED AND MANAGED BY THE SCHOOL	4
5.5.2	STAFF EMPLOYED BY A THIRD PARTY	4
5.6	AGENCY SUPPLY STAFF	4
5.6.1	AGENCY CHECKS	4
5.6.2	IDENTITY CHECKING AGENCY STAFF	4
5.6.3	PORTABILITY OF DISCLOSURES FOR AGENCY STAFF	5
5.7	SCHOOL EMPLOYED SUPPLY STAFF	5
5.8	CONTRACTORS AND SUB-CONTRACTORS	5
5.8.1	BUILDING CONTRACTORS	5
5.8.2	OTHER CONTRACTORS AND SUB CONTRACTORS	5
5.9	WORK EXPERIENCE ORGANISERS & PLACEMENT PROVIDERS	5
5.9.1	STUDENTS UNDERTAKING WORK EXPERIENCE PLACEMENTS	5
5.9.2	DECIDING IF CRB CHECKING IS REQUIRED	6
5.9.3	WORK EXPERIENCE STUDENTS PLACED IN SCHOOLS	6
5.9.4	TEACHING TRAINEES OR GRADUATES PLACED IN SCHOOLS	6
5.10	SELF EMPLOYED INDIVIDUALS UNDERTAKING WORK IN SCHOOLS	6
5.10.1	CHECKS REQUIRED FOR THE SELF-EMPLOYED	6
5.10.2	CURRENCY OF CRB CHECKS FOR THE SELF-EMPLOYED	6
5.11	STAFF FROM OVERSEAS	7
5.11.1	OVERSEAS STAFF TO BE CHECKED	7
5.11.2	ADDITIONAL CHECKS TO CONDUCT	7
5.11.3	FURTHER GUIDANCE ON OVERSEAS APPOINTMENTS	7
5.12	PEOPLE WHO ARE NOT REQUIRED TO OBTAIN CRB CLEARANCE	7
6.	RECRUITMENT	8
6.1	ELEMENTS OF THE RECRUITMENT AND SELECTION PROCESS	8
6.2	KEY PRINCIPLES OF RECRUITMENT IN DORSET SCHOOLS	8

<u>7.</u>	<u>COMMENCING EMPLOYMENT PENDING A DISCLOSURE</u>	<u>9</u>
<u>8.</u>	<u>DISCLOSURE OF CONVICTIONS ARISING DURING EMPLOYMENT</u>	<u>9</u>
<u>9.</u>	<u>CONSIDERING THE RELEVANCE OF CONVICTIONS</u>	<u>9</u>
9.1	ENSURING EQUAL TREATMENT	9
9.2	CONVICTIONS WHERE WORKING IN A SCHOOL IS BANNED	9
9.3	ASSESSING POSITIVE DISCLOSURES WHERE NO STATUTORY BAN IS IN PLACE	9
9.4	CONSIDERING THE CIRCUMSTANCES AGAINST THE RISKS IDENTIFIED	10
9.5	HANDLING POSITIVE DISCLOSURES OF EXISTING STAFF	10
9.6	RECORDING OF THE DECISION TO EMPLOY BASED ON A DISCLOSURE	10
9.7	RIGHT OF APPEAL AGAINST A DECISION TO DECLINE EMPLOYMENT ON THE GROUNDS OF A CRIMINAL RECORD	10
<u>10.</u>	<u>RETENTION OF INFORMATION</u>	<u>11</u>
10.1	CONFIDENTIALITY OF INFORMATION	11
10.2	COMPLIANCE WITH CRB STANDARDS	11
10.3	RECORDS TO BE RETAINED	11
<u>11.</u>	<u>SCHOOL RECORD KEEPING OF RECRUITMENT AND VETTING CHECKS</u>	<u>11</u>
11.1	SINGLE CENTRAL RECORD	11
11.2	PEOPLE TO BE INCLUDED ON THE CENTRAL RECORD	11
11.3	CHECKS TO BE INCLUDED ON THE CENTRAL RECORD	12
<u>12</u>	<u>FURTHER ADVICE AND INFORMATION</u>	<u>12</u>

1. SCOPE

1.1 This policy and procedure document applies to all employees of Sherborne Abbey Primary School as well as volunteers and school governors.

1.2 The principles of the policy will also be applied to agency staff, self employed individuals engaged by the school, individuals employed by any contractors/sub-contractors (where the contract agreement specifies the requirement for a criminal record check) and appropriate staff in organisations that are providing long term work placements for children and young people. In such cases organisations are required to either adopt this policy or produce their own policy complying with the general principles of this policy.

1.3 The policy has been drawn up by the County Council following consultation with the recognised trade unions and teachers' professional associations and is recommended to all school Governing Bodies for adoption (in the case of school federations, it is recommended to the federation's Governing Body).

2. POLICY STATEMENT

2.1 The Governing Body is committed to fulfilling its duty to protect children and young people by ensuring the highest integrity of those appointed to positions in the school as well as ensuring that appropriate checks are made in respect of agency staff, self employed individuals, employees of contractors/sub-contractors and those who come into contact with children and young people within the school or on long term work placements.

2.2 The Governing Body is also committed to the elimination of discrimination and to equal treatment in employment. This applies to prospective employment and all stages of employment and includes providing equal opportunities to both potential and existing employees, including ex-offenders, subject to the over-riding duty to protect children and young people. The policy and procedure has been developed to comply with legislation relevant to criminal record checking.

2.3 The Governing Body recognises that criminal record checking forms part of installing a safer recruitment/ongoing safer culture and is committed to ensuring that the other appropriate policies/procedures (listed below) are in place to complement this policy.

- [Recruitment and Selection Policy](#)
- [Code of Conduct](#)
- [Dealing with allegations against staff](#)
- [Whistleblowing Policy](#)

3. CRIMINAL RECORDS BUREAU

3.1 Functions of the CRB

The Criminal Records Bureau (CRB) acts as a 'one-stop-shop' for organisations, checking police records and, in relevant cases, information held by the Department of Health (DH) and the Department for Children, Schools and Families (DCSF). Dorset County Council is a registered body with the CRB and is responsible for processing checks for its schools.

3.2 CRB countersignatories at Dorset County Council

Countersignatories within each registered body are responsible to a lead countersignatory for ensuring the proper application of the CRB procedures through a Code of Practice. This includes the requirement for establishing standards and policies concerning applicants for employment, the recruitment of ex-offenders, and relations with persons and agencies for whom a registered body may access disclosure checks on an umbrella basis. There is a countersignatory in the schools ER team who is responsible for the disclosure application process in respect of schools.

3.3 CRB check administration

The school will utilise the CRB Disclosure Service to undertake criminal record checks. Your schools' HR Support Service Contact will assist you in processing the relevant checks for your school. In the case of checks for Governors, the checks will be co-ordinated by Governor Services in liaison with the Schools' HR Mediated Access Team.

3.4 CRB check types

There are two levels of CRB check currently available; Standard and Enhanced Disclosures.

The two CRB checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. This includes any organisation whose staff or volunteers work with children or vulnerable adults. In the schools context all checks undertaken will be Enhanced Disclosures.

3.4.1 Enhanced Disclosure

This is the highest level of check available to anyone involved in regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. It is also available in certain licensing purposes and judicial appointments. Enhanced Disclosures contain the same information as the Standard Disclosure ie they show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer (PNC). If the post involves working with children or vulnerable adults, the following may also be searched:

- Protection of Children Act (POCA) List
- Protection of Vulnerable Adults (POVA) List
- Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99)

Enhanced disclosures additionally show any relevant and proportionate information held by the local police forces.

3.4.2 Disclosure Certificates

A copy of the Disclosure will be sent out to the applicant as well as the Registered Body (Dorset County Council).

4. DISCLOSURE PORTABILITY

4.1 Portability between LAs

The CRB does not allow organisations to share disclosures with each other (except in relation to Supply Staffing Agencies – [see paragraph 5.6](#)). On this basis, CRB disclosures cannot be portable from one LA to another.

4.2 Portability within the Dorset LA

Where Dorset County Council has carried out a check on an individual who moves schools within the LA boundary and where there is not more than a three month gap in continuous employment, a new check is not required. Where, however, there is a change in the level of contact with children and/or a change in personal details, a new enhanced disclosure will be required.

4.3 Moving jobs within the school

Where an employee already employed within the school is being considered for another position within the school, a new check is not required unless there is a change in the level of contact with children and/or a change in personal details.

5. POSTS SUBJECT TO CRIMINAL RECORD CHECKS

5.1 School staff

The School Staffing (England) (Amendment) Regulations 2006 make it mandatory for a CRB enhanced disclosures to be obtained for all newly appointed school staff. This includes workers who do not work directly with children such as caretakers, administrative and other ancillary staff. The definition of newly appointed is anyone who has not worked in a school in England for 3 months or more.

5.2 Designated Senior Person for Child Protection

Any individual, including an existing member of staff, applying for this post will be subject to an enhanced criminal record check. The only exception to this is in the case of existing employees within the school who have been subject to a criminal record check in the previous 3 months.

5.3 Governors

All school Governors are subject to an enhanced CRB disclosure and must also complete a declaration form (**see Appendix B**) in addition to checking against the information that is held under Section 142 of the Education Act 2002 (formerly known as List 99) .

5.4 Volunteers

It is recognised that many parents and other volunteers help regularly in the classroom and with activities associated with the school. Some will require a CRB Disclosure because of the frequency of their volunteering activity and the contact they have with children, others will not.

5.4.1 Determining whether volunteer CRB checking is required

The DCSF does not expect schools to check existing volunteers continuing with their old duties, unless they have cause for concern. For new volunteers, where the volunteering is frequent or intensive and involves contact with children or those changing duties to ones that will bring them into increased contact with children, Headteachers should obtain enhanced CRB disclosures. **Following a report by Sir Roger Singleton, 'Drawing the Line', published in December 2009 frequent means once a week or more, intensive means four or more times in a thirty day period, or overnight (2am to 6am).**

In coming to a decision, Headteachers will want to consider:

- the duration, frequency and nature of contact with children;

- what the school knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer is well known to others in the school community who are likely to be aware of behaviour that could give cause for concern;
- whether the volunteer has other employment, or undertakes voluntary activities where referees would advise on suitability; and
- any other relevant information about the volunteer or the work they are likely to do.

This information will allow Headteachers to make a risk assessment, and use their professional judgement and experience in deciding whether a CRB Disclosure is necessary. For further information refer to the guidance on using volunteers.

5.4.2 School Exchange Host Families

UK host families providing accommodation for foreign students in organised school exchange visits must be enhanced CRB checked. This is in line with guidance to schools in respect of volunteers involved in activities requiring an overnight stay in the DCSF document *Safeguarding Children and Safer Recruitment in Education*. It is also recommended that schools give host families basic awareness of child protection issues and the contact details of the Designated Senior Person for Child Protection in the school.

5.4.3 Starting work pending a CRB check or where no check is required

Before allowing an employee or volunteer to commence their duties prior to the CRB check being received, the Headteacher should complete a risk assessment. Anyone who has not obtained a CRB Disclosure should not be left unsupervised with children.

5.5 Extended services & partnership staff

5.5.1 Staff employed and managed by the school

Staff employed and supervised or managed by the school to undertake any extended services must be subject to the school's arrangements for staff appointments, recruitment, vetting checks and record keeping for all staff. All such appointments will be subject to an enhanced disclosure.

5.5.2 Staff employed by a third party

Where extended services are provided by a third party, there should be clear lines of accountability and responsibility for carrying out recruitment and vetting checks for staff and volunteers. All staff are subject to enhanced disclosures. Schools obtaining their childcare through private or voluntary sectors should use Ofsted approved providers (Ofsted will apply to the CRB for Enhanced Disclosures for such staff).

5.6 Agency supply staff

5.6.1 Agency checks

Staff supplied to the school via an agency will be subject to checks by the agency itself. In all cases the school will obtain written confirmation from the agency that appropriate checks have been completed using the form at **Appendix C**. The school is not required to see evidence that the checks have been completed although it must have sight of a CRB disclosure where relevant information is recorded. If the school wishes the individual to commence work where information has been added to the disclosure, the *school* must undertake a new check for the individual (ensuring that the person does not start work until it is received).

5.6.2 Identity checking agency staff

Identity checks must be carried out by the school to confirm that the individual arriving at the school is the individual that the agency intends to refer to them.

5.6.3 Portability of disclosures for agency staff

A Disclosure may be passed from agency to agency, between LAs and agencies, and between schools and agencies if the subject gives written consent. Regulations under the Police Act also authorise passing Disclosure information from agencies to schools where the subject's suitability for work at the school is under consideration. If, exceptionally, the CRB Disclosure refers to the existence of information in addition to that on the face of the Disclosure, a supply agency cannot pass this information on to a school. In this instance, the school should obtain a new check prior to any work commencing.

5.7 School employed supply staff

The school should carry out the same checks as for all other employed staff and details should be kept on the single central record (SCR).

5.8 Contractors and sub-contractors

Refer to the Guidance for Contractors on Schoolsnet.

5.8.1 Building contractors

Children should not be allowed in areas where builders are working, for health and safety reasons, so these workers should have no contact with children. However schools should ensure that arrangements are in place with contractors, via the contract where possible, to make sure that any of the contractors' staff that come into contact with children undergo appropriate checks including an enhanced disclosure. The LA recommends that the contractor should provide the school with written confirmation to this effect although the school is not required to see evidence of such checks). The Recruitment & Vetting Check form at **Appendix C** should be used for recording purposes.

5.8.2 Other contractors and sub contractors

Some contractors do not require CRB checks to work at the school. [See paragraph 5.12.](#) Other contract staff, for example caretakers and catering staff, must be checked by the contractor in the same way as school employees (i.e. including an enhanced CRB Disclosure), and such requirements form part of the contract. The outcome of such checks must be notified to the school. The contractor is also responsible for ensuring that the same procedures are followed by any sub contractors. The contractor must provide the school with a list of its direct employees and those of any subcontractors at least 20 days before they start work on site. The Recruitment & Vetting Check form at **Appendix C** should be used for recording purposes.

FAQs on contract staff can be found at **Appendix D**.

5.9 Work experience organisers & placement providers

5.9.1 Students undertaking work experience placements

There are occasions where children and young people may be placed in settings outside the school setting – for instance as part of work experience at Key Stage 4 or under the Increasing Flexibility agenda.

'**Safeguarding Children and Safer Recruitment in Education**' (available on Schoolsnet) should be used by the school in determining what measures should be in place for work experience placements. The following sections in particular will be of particular relevance:

Pages 68 – 78, Annex A: Safeguarding Children – Additional Advice and Guidance
Pages 112 – 120, Appendix 14 – Extended Work Experience and Child Protection

These two sections discuss short and long term placements and extended work experience.

5.9.2 Deciding if CRB checking is required

In deciding whether a CRB check is needed, the duty of care remains with the school, but in some instances it may be useful to discuss particular short-term and long-term placements with your HR Support Services contact.

Full details of whether a supervisor of a child does or does not need to be CRB checked are set out in the guidance. In most cases, safeguards will be necessary for placements in the same workplace when one or more of the following conditions apply. The placement is:

- for **more** than one day per week, every week, over one term;
- for longer than one term in any academic year;
- children who may be vulnerable, eg those who have special needs;
- one where the workplace supervisor or a colleague will have substantial unsupervised access to the child because of the nature of the business (for instance, self employed or out on the road);
- residential or has a residential component.

In all cases, however, the rationale behind any decision not to have a CRB Disclosure should be recorded.' Because work experience placement providers are regarded as volunteers, there are no direct costs for obtaining disclosures via the CRB to the business or school.

5.9.3 Work experience students placed in schools

Work Experience students placed in schools are not required to obtain clearance from the CRB because it is not expected that they will at any time be left unsupervised whilst working with children.

5.9.4 Teaching trainees or graduates placed in schools

Student (placements) or Teaching Graduate Trainees placed in schools should have an Enhanced CRB check and such a check will not be free of charge because the student is not defined by the CRB as a volunteer. Enhanced CRB checks are undertaken by the initial teacher training provider so that disclosures are received prior to the trainee commencing school based training.

5.10 Self employed individuals undertaking work in schools

5.10.1 Checks required for the self-employed

The CRB recommends that self-employed persons should be subject to an enhanced disclosure (carried out by the LA on behalf of the school but paid for by the individual) prior to commencing a role in circumstances where there is likely to be unsupervised access to children (in a school setting this may include music tutors for example). The normal vetting checks such as identity checking should also be conducted.

Schools can obtain CRB disclosures for self-employed people who will be working on school premises as long as the disclosure is intended to be used to consider their suitability for undertaking a particular role. Self-employed individuals are not able to obtain their own personal checks via the CRB.

5.10.2 Currency of CRB checks for the self-employed

There is no definitive guidance in terms of the portability of CRB checks for self-employed individuals between schools and LAs. Headteachers should consider where re-checking may be appropriate on a case by case basis – consideration should be given to the duration of the anticipated work and the level of contact with pupils.

5.11 Staff from overseas

5.11.1 Overseas staff to be checked

Newly appointed staff and staff recruited since 2002 who have lived outside the United Kingdom must undergo the same checks as for all other staff in schools. This includes an Enhanced CRB Disclosure and a check against the information that is held under Section 142 of the Education Act 2002 (formerly known as List 99).

5.11.2 Additional checks to conduct

In addition, schools must make such further checks as they consider appropriate due to the person having lived outside the United Kingdom. *These further checks must be completed prior to an individual starting work.*

CRB Disclosures will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced CRB Disclosure, additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial. Extra care should, therefore, be taken in ensuring that references are taken up and that other background checks are conducted.

5.11.3 Further guidance on overseas appointments

Further guidance on the appointment of overseas staff is available at **Appendices J & K**. Further information about the criminal record information which may be obtained from overseas police forces and countries, is available from the CRB at www.crb.gov.uk.

5.12 People who are not required to obtain CRB clearance

It is not necessary to obtain a CRB Disclosure for:-

- staff appointed before 2002 who have not previously been CRB checked unless moving roles into posts with closer contact with children or where there are concerns about suitability to work with children. The exception to this is workers from overseas.
- public sector staff such as psychologists, nurses, dentists and centrally employed teachers (because they will have been checked by their own organisations). However, the school should check the identity of such staff on arrival to ensure impostors do not gain access to children;
- visitors who have business with the Headteacher, principal or other staff who have brief contact with children with a member of staff present;
- visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school premises;
- volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fête;
- secondary pupils on Key Stage 4 work experience in other schools, or nursery classes;
- secondary pupils undertaking work in another school as part of voluntary service, citizenship or vocational studies;
- Key Stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases the school placing the pupil should ensure that s/he is suitable for the placement in question;
- people who are on site before or after school hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

6. RECRUITMENT

Criminal record checking is a key element in the safer recruitment process but is only one aspect of ensuring that an applicant is the right person for the job role which involves being in a position of trust. Further information is provided in the **Recruitment and Selection Toolkit**.

6.1 Elements of the recruitment and selection process

It starts with the process of planning the recruitment exercise and, where the post is advertised, ensuring that the advertisement makes clear the school's commitment to safeguarding and promoting the welfare of children. It also requires a consistent and thorough process of obtaining, collating, analysing, and evaluating information from and about applicants.

The main elements of the process include:

- ensuring the job description makes reference to the responsibility for safeguarding and promoting the welfare of children (**See R&S Toolkit App 5, 6 & 6a**);
- ensuring that the person specification includes specific reference to suitability to work with children (**See R&S Toolkit App 5, 6 & 6a**);
- obtaining and scrutinising comprehensive information from applicants, taking up and satisfactorily resolving any discrepancies or anomalies (**See R&S Toolkit App 7, 8 a & b, 9 & 18**);
- obtaining independent professional and character references that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns (**See R&S Toolkit App 12 & 12a**);
- a face-to-face interview that explores the candidate's suitability to work with children as well as his or her suitability for the post (**See R&S Toolkit App 13, 14, 15 & 17**);
- verifying the successful applicant's identity (**See App I & J & R&S Toolkit App 16 & 18**);
- verifying that the successful applicant has any academic or vocational qualifications claimed (**See App L and R&S Toolkit App 18**);
- checking his or her previous employment history and experience (and any gaps);
- verifying that s/he has the health and physical capacity for the job (**See R&S Toolkit App 19 & 18**);
- verifying that s/he is able to work in the UK (**See App I & J**);
- the mandatory checking of information held under Section 142 of the Education Act 2002 (previously known as List 99) and an Enhanced Disclosure via the CRB (**See R&S Toolkit App 18**).

6.2 Key principles of recruitment in Dorset Schools

Applicants will be made aware, at the earliest opportunity, that they will be required to disclose all criminal convictions including those that are spent. This will either be included as part of the advertisement and/or within the candidate recruitment pack.

Details of convictions will be requested on the appropriate application form (there are separate forms for support posts and teaching posts – **Refer to Appendix 8a and 8b of the Recruitment and Selection Toolkit**)

Applicants will also be requested to complete a Criminal Records Declaration (see **Appendix B**).

As part of the interview process, the employee identity check form will be completed to note which documents have been provided (see **App I**).

7. COMMENCING EMPLOYMENT PENDING A DISCLOSURE

Schools are able to allow an employee to start employment pending a CRB check as long as other recruitment and vetting checks have been carried out. The LA would recommend that the Headteacher weighs up the risks on a case by case basis and as a minimum ensures that:-

- The individual has completed a Criminal Record Declaration Form (See **App B**);
- A risk assessment is carried out where required (a copy of the risk assessment form is available at **App F**);
- the individual is appropriately supervised;
- all other checks, including checking Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99) have been completed;
- the disclosure application is submitted before the individual commences work.

8. DISCLOSURE OF CONVICTIONS ARISING DURING EMPLOYMENT

Employees are required to declare any cautions, convictions or reprimands (including judgements or investigations pending) that they receive during the course of their employment. The relevance of such disclosures will be considered as detailed in paragraph 9 below.

9. CONSIDERING THE RELEVANCE OF CONVICTIONS

9.1 Ensuring equal treatment

The school is committed to ensuring that applicants and existing employees who have been checked/rechecked, and where there is a criminal record are treated fairly.

9.2 Convictions where working in a school is banned

Receipt of a positive disclosure will not automatically make an applicant or existing employee unsuitable for a position unless stipulated by statute/guidance. Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 certain persons are banned for life from working with children. These are those registered on Information held under Section 142 of the Education Act 2002 [previously known as List 99], those registered on the DH list, those listed on the register maintained by the National Assembly of Wales, and those aged 18 years or older convicted of a schedule 4 offence.

It is an offence for a disqualified person to apply for, offer to do, accept or do any work in any of the regulated positions (including those in school settings) set out in the Act. It is also an offence for an employer to knowingly offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or to fail to remove such an individual from such work.

9.3 Assessing positive disclosures where no statutory ban is in place

In assessing the suitability of a person with a criminal record for employment or voluntary work the countersignatory or a member of the HR Employee Relations Team will liaise with the school in considering both the nature of the job and the details and circumstances of any convictions.

Generally, only convictions relevant to the position will be taken into account. The over-riding consideration, however, will be the duty to safeguard children and young people.

9.4 Considering the circumstances against the risks identified

Aside from those who are banned from working with children, the relationship between the offence and the appointment will be clear enough for the countersignatory or ER Officer and Headteacher to decide on the suitability of the applicant for the job, albeit that no two offences are exactly alike.

Assessing the risk of employing a person with a criminal record means comparing the applicant's skills, experience and conviction circumstances against risk criteria identified for the job. Whilst it will not be possible to carry out a thorough risk assessment on each individual, the ER Officer and the Headteacher will take the following matters into account when considering clearance:

- the seriousness of the offence;
- the length of time since the offence occurred, and the age at which it occurred (eg juvenile);
- any relevant information offered by the individual about the circumstances which led to the offence being committed;
- whether the offence was one-off or part of a history of offending;
- whether the individual's circumstances have changed since the offence was committed;
- the country in which the offence was committed (e.g. some activities are offences in Scotland but not England and Wales and vice versa);
- whether the offence has since been decriminalised by Parliament;
- the explanation, degree of remorse, rehabilitation or otherwise, expressed by the individual and the motivation to change.

Where it is deemed to be necessary, a full risk assessment may be carried out.

9.5 Handling positive disclosures of existing staff

Should the receipt of information on a disclosure result in an existing employee being considered as potentially unsuitable for their position, a disciplinary investigation will take place. Findings will be presented to a disciplinary panel convened for this purpose where consideration will be given to the appropriate action to be taken. This could include a decision to terminate employment.

9.6 Recording of the decision to employ based on a disclosure

In all circumstances where an applicant or existing employee has either disclosed a criminal record or where there is relevant information on the CRB disclosure, the ER Officer and Headteacher will complete a decision form which will be held on the individual's personal file. A blank version of this form can be found at **App E**.

9.7 Right of appeal against a decision to decline employment on the grounds of a criminal record

Where the decision is taken to deny the applicant an offer of employment, the individual will have the right of appeal through the Director for Children's Services. The appeal decision will be final and as such there is no further right of appeal within Dorset County Council.

10. RETENTION OF INFORMATION

10.1 Confidentiality of information

Information disclosed as part of a recruitment process, via self-declaration during the course of employment or as part of a CRB checking process will be treated as highly confidential. It is an offence for information in a disclosure to be passed to anyone who does not need it in the course of their duties.

10.2 Compliance with CRB standards

Disclosure information will be managed in accordance with CRB guidance on the security and retention of disclosures and disclosure information (see www.crb.gov.uk). The key provisions are:-

- disclosures will not be retained for periods longer than necessary (normally a maximum of 6 months from the date of the disclosure);
- disclosures will be destroyed by secure means at the end of any retention period;
- the school should keep the letter sent by HR confirming clearance of the individual;
- CRB disclosures must not be photocopied under any circumstances.

10.3 Records to be retained

Before a Disclosure is destroyed, records need to be kept by HR detailing:-

- the date the Disclosure was obtained;
- who obtained it (i.e. school, local authority, supply agency);
- the unique reference number on the disclosure certificate.

The Headteacher or LA will also keep:-

- a note of what other information was used to assess suitability;
- the letter(s) sent to the individual and school confirming clearance.

In addition, where a disclosure reveals information about an individual the Record of Positive Check (see **App E**) will be completed and retained on the personal file of that individual. This record will not detail information about actual offences disclosed. These measures accord with the requirements of both the CRB and the School's Single Central Record (for further information see paragraph 11 below).

11. SCHOOL RECORD KEEPING OF RECRUITMENT AND VETTING CHECKS

11.1 Single central record

The DCSF requires all schools to be able to demonstrate that they have robust and accurate records of all pre-employment and vetting checks carried out. This information must be compiled into a single central record of completed checks in each school.

11.2 People to be included on the central record

- all staff who are employed to work at the school providing education;
- all staff who are employed as supply staff to the school, whether employed directly by the school or LA or through an agency;
- all others who have been chosen by the school to work in regular contact with children (volunteers and governors who also work as volunteers);
- people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, such as specialist sports coaches, music tutors or artists.

11.3 Checks to be included on the central record

The single central record must indicate whether or not the following have been completed:

- identity checks;
- qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS or NPQH;
- additionally, for those applying for teaching posts, registration check with the GTC where appropriate;
- checks of right to work in the United Kingdom;
- checks on information held under Section 142 of the Education Act 2002 [previously known as List 99];
- CRB Enhanced Disclosure and number;
- further overseas records checks where appropriate.

The record must also show the date on which each check was completed or the relevant certificate obtained, and who carried out the check.

A sample form can be found at **App D**. Further information about recruitment and vetting checks can be found at **App G to L**.

12 FURTHER ADVICE AND INFORMATION

Criminal Records Bureau (CRB)	www.crb.gov.uk or www.disclosure.gov.uk
	Criminal Records Bureau checks: guidance for volunteering document
	Applicants Guide to completing the CRB Application Form (advice on filling out forms correctly and also what identity information the school will need to see)
	ID Checking Process (advice on how to check the identity of applicants and to check for indicators of fraud)
	‘Safeguarding Children and Safer Recruitment in Education’ document
Department for Education	http://www.education.gov.uk/
Volunteering England	http://www.volunteering.org.uk/ Information on volunteering
Chartered Institute of Personnel and Development (CIPD)	Employing Ex-Offenders – A practical guide