

## **Disclosure and Barring Service (DBS) check Requirement for Job Applicants**

The position you have applied for involves significant contact with children, including regularly caring for, training, teaching, supervising or being in sole charge of them and therefore any successful applicant for this position will be required to apply for either Standard or Enhanced disclosure from the Disclosure and Barring Service before the school can confirm a formal offer of appointment.

Each applicant for this position will receive a copy of Fairley House School's Written Policy on the Recruitment of ex-offenders. Disclosure of a criminal record by the Disclosure and Barring Service will not result in automatic disqualification for this position. The school is willing to consider the persons with criminal records on their merit, subject to its overriding obligations to protect children in its charge.

The School requires all staff to apply for additional DBS Disclosure routinely every three years or at any time at the discretion of the Principal(s) or Governors of the School.

## **Guidance for DBS Disclosure Applicants**

**The following guidance for Disclosure applicants is designed to help answer any questions you may have about the Disclosure and Barring Service (DBS) service.**

### **What is a Disclosure?**

A Disclosure is a document containing information held by the police and government departments. It can be used by employers and voluntary organisations to make safer recruitment decisions. Disclosures are provided by the Disclosure and Barring Service (DBS), an executive agency of the Home Office.

The Disclosure service offers Fairley House School a means to check the background of job applicants to ensure that they do not have a history that would make them unsuitable for posts they are trying to fill. Disclosures will provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer (PNC). If the position involves working with children, Disclosures will also contain details from lists held by the Department of Health (DH) and the Department for Education and Skills (DfES) of those considered unsuitable for this type of work. Depending upon the level of Disclosure, it might also contain information held by local police forces.

There are currently two levels of Disclosure: **Enhanced, Standard**.

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## **Enhanced Disclosures**

These are for posts involving a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a teacher, scout or guide leader. Enhanced Disclosures are also issued for certain statutory purposes such as gaming and lottery licences.

This level of Disclosure involves an additional level of check to those carried out for the Standard Disclosure. An Enhanced Disclosure includes a check on local police records. Where local police records contain additional information that might be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced Disclosure. Exceptionally, and in a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Countersignatory and should not be revealed to the applicant.

## **Standard Disclosures**

These are primarily for posts that involve working with children or vulnerable adults. Standard Disclosures may also be issued for people entering certain professions, such as members of the legal and accountancy professions.

The Standard Disclosure contains details of all convictions held on the Police National Computer including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings.

If a position involves working with children, the Disclosure will indicate whether information is held on government department lists, held by the DfES and the DH, of those who are banned from working with children. The Disclosure also includes information held by the DH of those considered unsuitable to work with vulnerable adults.

## **Why have I been asked to apply for a Disclosure?**

You have been asked for a Standard or an Enhanced Disclosure because you will be working with children in an establishment that is wholly or mainly for children. There are also a number of other specified positions and professions for which a Disclosure can be required. To find out more please contact the DBS information line on 0870 90 90 811.

## **Can I refuse to apply for a Disclosure?**

There is no general obligation to apply for a criminal record check. But other rules may make it compulsory to check the lists held by the DH or the DfES of those who are banned from working with children. In either event, an employer may choose to withdraw the offer of a position if a candidate declines to apply for a Disclosure. You may wish to take advice from your employer, trade union or another qualified person in these circumstances.

## **What if I already have a Disclosure?**

It is Fairley House School policy to do a new DBS application for all new staff.

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## **What if I have lived overseas?**

If you've lived overseas for a substantial period of time, you will still be asked to be checked by the DBS.

Fairley House School has a duty to check a prospective employee against one or both of the lists held by the DH (those individuals considered unsuitable to work with children) and the DfES (those considered unsuitable to work in the teaching profession). Therefore, if you are a foreign national (with either a limited or no prior period of residence in the UK) and your prospective employer has a duty to check the lists, you will be required to apply for either a Standard or Enhanced Disclosure. Applying for these higher-level Disclosures is the only way to check individuals against the lists held by the DH and DfES.

If, as a foreign national, you have also lived in the UK for a substantial period of time, a Disclosure may be required, in addition to any overseas information your prospective employer deems necessary.

## **How much will a Disclosure cost?**

Fairley House will pay the cost of the Disclosure application.

## **How will I know which level of Disclosure is required?**

Fairley House will decide the appropriate level of Disclosure for the position.

## **How do I apply for a Disclosure?**

You will either be asked to complete an application form that will provide information that relates to you personally. This will help the DBS to confirm your identity. Once you have completed the application form, please return it to the school together with any original identity documents – for details of the type of documents required for this purpose please read “an applicants guide to completing the Disclosure application form”, a copy of which will be given to you with Disclosure application form.

## **What information do I need to give?**

Please read “an applicants guide to completing the Disclosure application form”, a copy of which will be given to you with Disclosure application form.

The DBS is committed to compliance with the Data Protection Act. This means that any personal information that you submit to us will be protected. For full details, please telephone the DBS information line on 0870 90 90 811 and request a copy of our data protection leaflet.

## **Who will receive my Disclosure?**

You will receive your Disclosure in the post. A copy of the Disclosure will also be sent to the person at Fairley House School who countersigned the Disclosure application form. This person will have been registered with the DBS, and as such, has agreed to comply with the Code of Practice.

## **When will I receive my Disclosure?**

The DBS aims to process 95% of Standard Disclosure applications within one week

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and 90% of Enhanced Disclosure applications within three weeks of the DBS receiving the completed application form, together with any additional information requested.

### **How do I know that the information contained on my Disclosure will be kept confidential?**

Fairley House as an authorized user of the Disclosure service must comply with the DBS Code of Practice, which is there to make sure the whole process works fairly.

Under the provisions of the Code, sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. The Code of Practice is published on the Disclosure website, or you can request a copy from the person who asked you to apply for the Disclosure.

### **What if I have a criminal record that may not be relevant to the position for which I am applying?**

Safeguards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are not treated unfairly. Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974. The Code of Practice for Registered persons and other recipients of Disclosure information will govern Registered Bodies' conduct and prevent abuse of the system.

The DBS works with a number of organisations, such as the Chartered Institute of Personnel and Development (CIPD) and the National Association for the Care and Resettlement of Offenders (Nacro), who have produced guidance information for employers on this matter. Information can be obtained from the Disclosure website.

### **Can I challenge the information on my Disclosure if it is incorrect?**

Yes. If you think that any information contained on your Disclosure is incorrect please contact the Disclosure dispute line on 0870 90 90 778 immediately and ask about the dispute procedures.

### **For how long will Disclosures be valid?**

Each Disclosure will show the date on which it was printed, therefore, the older the Disclosure the less reliable it is. However, there will be no expiry date.

### **Further Information**

If you would like more information about the Disclosure service or the DBS please contact:

Disclosure application line (progress reports)	0870 90 90 844
DBS information line	0870 90 90 811
Disputes & Enquiries	0870 90 90 778

Websites;  
[www.DBS.gov.uk](http://www.DBS.gov.uk)  
[www.disclosure.gov.uk](http://www.disclosure.gov.uk)

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info@DBS.gsi.gov.uk

(Telephone calls are charged at national rate. Calls will be recorded for security and may be monitored for training purposes)

## **Policy on the Recruitment of Ex-offenders and Security of Disclosure Information**

### **1. The Requirement for Criminal Record Checks by the School**

Fairley House School is a Registered Body with the Disclosure and Barring Service for the purposes of obtaining access to criminal record checks for employment and voluntary appointments. It is of fundamental importance to Fairley House School to ensure so far as possible that those who take up appointments do not pose a risk to the children in its care. It is therefore important for the School to apply for and review the past criminal records of any successful applicants for positions, before confirming a formal offer of appointment. The School considers it also essential that the confidential and personal Disclosure information from the Disclosure and Barring Service is used fairly and sensibly in order to avoid unfair discrimination of applicants for appointments at the School. Candidates are selected for interview based on their skills, qualifications and experience: Fairley House School actively promotes equality of opportunity for all with the right mix of talent, skills and potential.

### **2. Reason for requiring Disclosure**

A Disclosure will only be requested after a risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, any 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.

### **3. Types of Disclosure**

There are two types of Disclosure that may be requested depending on the nature of the position:

- i **Standard Disclosure** – for positions that involve regular contact with those aged under 18 years or people of all ages who may be vulnerable for other reasons and for occupations which involve positions of trust.

The Disclosure will contain details of all convictions on record including current and spent convictions (including those which are defined as “spent” under the Rehabilitation of Offenders Act), details of any cautions, reprimands or warnings

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held on the police national computer.

- ii **Enhanced Disclosure** – for posts involving greater contact with children or vulnerable adults, including regularly caring for, training, teaching, supervising or being in sole charge of such people. In addition to the information above for Standard Disclosure, the Enhanced Disclosure may also contain information that is held locally by the police.

#### **4. Application Procedure**

Applicants will be required to provide proof of their identity to the School, including a birth certificate, one item of photographic evidence (such as a passport), plus at least one item of address-related evidence (such as a utility bill). Where an applicant has changed his/her name by deed poll or for other reasons (e.g. marriage, adoption) the School will require evidence of this change of name. The DBS Application Form will be completed and signed by the applicant for the position and countersigned by a registered person at the School.

Where a Disclosure is to form part of the recruitment process, we encourage all Applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Fairley House School. This information will only be seen by those who need to see it as part of the recruitment process.

#### **5. Consideration of Disclosure Information by the School**

On receipt of Disclosure from the Disclosure and Barring Service the School shall consider the following:

- i Whether the conviction or other information disclosed is relevant to the position in question.
- ii The seriousness of the offence or other matter revealed.
- iii The length of time since the offence or other matter occurred.
- iv Whether the applicant has a pattern of offending behaviour or other relevant matters.
- v Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters.
- vi The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

Having a criminal record will not necessarily bar you from working Fairley House School. This will depend on the nature of the position and the

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circumstances and background of your offences. We ensure that all those in Fairley House who are involved in the recruitment process have received guidance in identifying and assessing 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.

## **6. Disclosure and Barring Service Code of Practice**

The School agrees to comply with the provisions of the Disclosure and Barring Service Code of Practice.

## **7. Security of Disclosure Information**

Given the confidential nature of the Disclosure information, the School will ensure that it is stored securely. Documents will be locked away separately from personal files, with restricted access limited to senior members of staff involved in the recruitment. Once a recruitment decision has been made, the School will not retain the Disclosure information for any longer than necessary, which shall normally be less than 6 months. All disclosure information will be destroyed by secure methods (such as shredding or burning). For further details, please refer to the School's "Security Policy for Handling Disclosure Information".

## **8. Consequences of failure to reveal information**

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment, or the termination of the employment if it has commenced.

# **Security Policy for Handling Disclosure Information Received from the Disclosure and Barring Service**

The following guidance for Disclosure applicants is designed to help answer any questions you may have about the Disclosure and Barring Service (DBS) service.

### **1. Security of Access**

In accordance with s.124 of the Police Act 1997, Disclosure information will only be accessed by those authorised to receive it in the course of their duties. The subject of the Disclosure information will be given details of the names of those who have access to it.

The School recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **2. Usage**

Disclosure information is only used for the specific purpose for which it was

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requested and for which the applicant's full consent has been given.

### **3. Storage**

All recipients of Disclosure information will store all confidential documents issued by the DBS in secure conditions. Documents will be locked in non-portable storage containers.

Keys for such storage units will be restricted to those named individuals who have access to the Disclosure information and who are engaged in the recruitment.

### **4. Retention of Disclosure Information**

Once a recruitment decision has been made, the School will not retain the Disclosure information or any associated correspondence for any longer than is necessary. In general, this will not exceed 6 months from the date of the formal offer of appointment being made to the applicant.

In the event of any dispute with the applicant over the content of the Disclosure information, the documents may need to be retained for a longer period, but in general this should not be longer than 6 months after resolution of the dispute.

If, in exceptional circumstances, it is considered necessary to retain Disclosure information for a longer period, the DBS will be consulted by the School for their agreement to this.

### **5. Destruction of Disclosure Information**

The School will destroy Disclosure information by suitably secure means, such as shredding, pulping or burning. The Disclosure information will not be stored in any insecure receptacle whilst awaiting destruction (such as a waste bin or waste sack).

The School will not retain any photocopies or other notes of the Disclosure information, save for:

- retaining details of the date of a Disclosure;
- the name of the subject;
- the type of Disclosure;
- the position in question;
- the unique number issued by the DBS to the Disclosure; and
- the recruitment decision that was taken.

### **6. Missing Disclosure Information**

If Disclosure information is lost, the School will inform the DBS and the subject of the information as soon as possible.

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