



Disclosure and Barring Service Policy

March 2020

Approved by Sentamu Academy Learning Trust Board of Directors on 13 March 2020

SALT Vision Statement:

"Be Extraordinary"

Mission Statement:

We believe that young people achieve their fullest potential when they have a vision of everything their lives could become. The Bible (John 10:10) quotes Jesus as saying, "I have come that they may have life and may have it in all its fullness". As academies, we commit ourselves to inspiring our students, and equipping them with the resilience and determination to unlock their unique gifts and realise their highest aspirations. We aim to achieve this through following distinctively Christian principles, and focusing on four key areas, service, achievement, leadership and teamwork.

The next 'Period of Review' will be **March 2022**.

Sentamu Academy Learning Trust

DBS POLICY

On 1st December 2012, the Criminal Records Bureau (CRB) merged with the Independent Safeguarding Authority (ISA) to become the Disclosure and Barring Service (DBS). The DBS is an Executive Non-Departmental Public Body sponsored by the Home Office. The purpose of the changes is to ensure there is focused and effective safeguarding, with better sharing of information but with a common sense approach with a scaling back to a more proportionate level for criminal and barring systems. There is an aspiration that employers will be trusted to use common sense when making decisions about who we employ e.g. checking references and ongoing management.

1 Scope and Purpose

- 1.1 The Disclosure and Barring Service (DBS) has been established under the Protection of Freedoms Act 2012 and merges functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
- 1.2 Sentamu Academy Learning Trust (SALT) takes seriously its responsibilities in safeguarding the welfare of children and vulnerable adults. We will ensure that all those appointed, or its contractors, have had necessary and appropriate checks. This document outlines our policy on the use of criminal record checks and recruitment of staff or volunteers with criminal convictions or those who are barred from working with vulnerable groups.
- 1.3 This policy applies to all staff at all of our academies and will be made available to applicants at the outset of the recruitment process where a DBS request for disclosure of their criminal record will be required as part of the application process.
- 1.4 This policy refers to vulnerable groups including children and adults. A child is anybody under the age of 18. An adult is considered vulnerable during the time which they require services including; health care; personal care; social care; assistance with cash, bills and shopping; assistance with the conduct of their affairs and conveying (transport in relation to health, personal or social care provision).
- 1.5 In this procedure the following words and expressions shall have the following meanings:
 - "Directors" or "Trust Board" means the Board of Directors of the Trust as constituted from time to time, or where appropriate any sub-committee of the Board of Directors.
 - "Governors" means the local governing body of each Academy referred to as the Local Governing Committee (LGC) as constituted or where appropriate, any sub-committee of the Local Governing Committee. Each Local Governing Committee has specific delegated powers for the management of the business of each Academy as agreed by the Directors.
 - "Trust" means the Sentamu Academy Learning Trust;
 - "CEO" means Chief Executive Officer of the Trust;

- “Executive Principal” means the Executive Principal of the Trust and may also be referred to as the “Principal” in this procedure;
- “Principal” means the head of the Academy and may also be known as the Headteacher.
- “Vice Principal” can also be referred to as a Deputy Headteacher.

2 Disclosure of criminal convictions

2.1 Where a person is required to undergo a DBS check they must provide a written declaration of any criminal convictions, cautions, reprimands or warnings they may have in accordance with the ‘filtering rules’ introduced in May 2013. It is important that this information is given at an early stage (preferable prior to the DBS check being carried out), so the information can be discussed with the applicant. For Central Services Staff this process will be undertaken by the CEO, and in Academies the process will be undertaken by the Principal/Headteacher.

2.2 Sentamu Academy Learning Trust will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for a SALT Academy; the nature of a disclosed conviction and its relevance to the post in question will be considered. This is with the exception of; a person who has unspent convictions for violence, assault or damage to property, which are likely to be incompatible with working for Sentamu Academy Learning Trust or; a person who is barred from working with vulnerable groups. It is a criminal offence to employ a person in a 'regulated position' where they have been barred from working with vulnerable groups.

2.3 Failure to reveal information relating to unspent convictions may lead to withdrawal of an offer of employment, or termination of employment. Where the individual has not disclosed the convictions on their application form, they should be asked why they had not done so. The Principal should be concerned about any applicant or employee who has failed to provide this information when they were required to do so or has provided false information. If an individual denies that the convictions relate to them a further check must take place. This may result in a referral by the academy to the Disclosure and Barring Service.

2.4 Once it is established that the convictions/cautions relate to the individual, the CEO/Principal should explore with them the circumstances surrounding the convictions/cautions and when they took place. An applicant’s criminal record should be assessed in relation to the nature of the post they are applying for.

2.5 The CEO/Principal may delegate this to a member of the Senior Leadership Team or HR department who will then be required to consider:

- An examination of the circumstances leading up to the offence e.g. the influence of financial or domestic circumstances
- Whether the individual’s circumstances have changed since the offence was committed, making reoffending less likely
- The degree of intent on behalf of the offender
- The damage caused
- Repeat offences i.e. was the offence a one-off or part of a history of offending
- The length of time since the offence took place
- The nature of the job i.e. does the nature of the job present any opportunities for the post holder to reoffend in the course of their work
- The degree of risk that the offence suggests that the individual represents

- The extent of job supervision i.e. does the job involve one-to-one contact with students and what level of supervision will the post holder receive
- An individual's attempt to go straight
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change
- Whether the offence has been decriminalised by Parliament

2.6 In reaching that decision the CEO/Principal will consider the nature of the conviction/caution, when they took place and whether there is a possibility of further incidents taking place together with the possible implications, if any, for Sentamu Academy Learning Trust employing this person.

2.7 All staff are required to disclose criminal convictions acquired during employment at Sentamu Academy Learning Trust which may be relevant to their position or that related to violence, assault or damage to property. Disclosure is to be made confidentially to the Principal, who will consider the effect of the offence on the employee's post. Examples of convictions relevant to positions include a driving offence for a driver position, theft or fraud for a finance position and convictions relating to vulnerable groups if working in regulated activity. Disclosures relating to vulnerable groups will be referred to the Principal who will consider whether a referral DBS is necessary

2.8 Employees of the Trust may be asked to sign a declaration, typically on an annual basis, to confirm that there is no change to their disclosure record and to remind them of their obligation to disclose any cautions or convictions acquired during employment to their Principal/Head, see Appendix D1 (Primary academies) and D2 (Secondary academies).

3 Secretary of State Prohibitions

Teacher Prohibition Orders

3.1 Teacher prohibition orders prevent a person from carrying out teaching work in schools, including academies. A person who is prohibited from teaching must not be appointed to work as a teacher within the Trust. A check of any teaching prohibitions can be carried out using the Teacher Services system (formally known as employer access online) which is accessed via the Department of Education's Secure Access portal.

3.2 This must be completed at each Academy for every teaching member of staff or support staff undertaking a teaching activity and recorded on the Single Central Record.

Section 128 Directions

3.3 There is a requirement under section 128 of the Education and Skills Act 2008 that those in management roles at independent schools, academies and free schools have an additional check to ensure they are not prohibited from managing such an organisation. This is in addition to a DBS check. A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as:

- a management position in an independent school, academy or free school as an employee;
- a trustee of an academy or free school trust;
- a governor or member of a proprietor body for an independent school;
- or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

3.4 A check for a section 128 direction can be carried out using the Teacher Services' system (formally known as employer access online). Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

3.5 Each Academy should therefore use both methods of checking when making appointment from 1st September 2016 to any staff management position which involves regulated activity (which encompasses all teaching posts above classroom teacher, and all ancillary posts where the person is a member of the senior leadership team) and recorded on the Single Central Record. This does not have to be done for appointments made before 1st September 2016.

3.6 It is important that when submitting an application for a DBS check for such a role, that it clearly indicates that this is the case. This can be done by stating on the DBS application form, within box 61, Position Applied for, '*Child Workforce Management of Academy*'. This allows DBS to confirm if an s128 direction has been made.

3.7 If a prohibition order is found to be in place this must be reported to the Principal/Head Teacher and contact HR for further advice.

4 Disclosure and Barring Service

4.1 Sentamu Academy Learning Trust currently use Principal Resourcing as our umbrella body to make the checks on our behalf, through the Disclosure and Barring Service (DBS). This enables us to obtain information to assess the suitability of applicants for employment for posts working with vulnerable groups or in positions of trust.

4.2 Sentamu Academy Learning Trust complies with the DBS code of practice including the secure storage, handling, use, retention and disposal of DBS disclosures and disclosure information and with its obligations under the Data Protection Act.

4.3 Under the new DBS arrangements, the school no longer receives copies of the DBS certificate. It is the responsibility of the employee to bring their DBS certificate to the HR Administrator, who acts as the 'identity checker'. The identity checker will verify the original DBS certificate and forward a photocopy or scan the certificate to the HR department at the Academy. This will be used to update employees records and the Single Central Register. We are not allowed to keep any copies of the certificates once all records have been updated.

4.4 DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

5 Responsibility within Sentamu Academy Learning Trust

5.1. There are limited number of staff that will be involved in ensuring that the Trust and each of its Academies complies with the DBS Code of Practice and in making decisions using information from Disclosures on job applicants and employees. All staff involved must be familiar with Sentamu Academy Learning Trust's policy and guidance together with the DBS Code of Practice.

5.2. All staff involved must treat all Disclosure information in the strictest confidence. It is offence under the Police Act 1997 to pass disclosure information to unauthorised persons. This means that Disclosures and the information they contain are only passed to staff that need to have access to it in the course of their duties. Members of staff that pass confidential Disclosure information to an

unauthorised person will be liable to action in accordance with Sentamu Academy Learning Trust's Disciplinary Procedure.

5.3. Principal Resourcing staff will undertake the role of umbrella body so that we can access the DBS process

5.4. All Trust staff responsible for recruiting to posts that require a Disclosure must ensure they adhere to Sentamu Academy Learning Trust's Recruitment and Selection Policy (and Policy on the Recruitment of Ex-offenders – Appendix A) at all times. Job applicants must be informed as part of the recruitment process that successful candidates will have to apply for a Disclosure. Academy staff must also ensure that agencies that provide workers to cover posts that are subject to a Disclosure provide a valid Disclosure reference number and verify the individuals identity before they perform duties on the Trust's behalf.

6. Appointments requiring a DBS disclosure

6.1 All appointees of the Trust will be required to submit an enhanced DBS disclosure request which includes a barred list check unless they are not working in a 'regulated' activity with vulnerable groups as defined by the Safeguarding Vulnerable Groups Act 2006.

6.2 'Regulated' Activity – Children

Regulated activity for children is:

- Unsupervised activities on a frequent basis; teaching, training or instruction; care or supervision; advice or guidance on well-being; or driving a vehicle for children. :
- Work in a 'specified place' on a frequent basis with opportunity for contact including; schools, children's homes, childcare premises. This does not include work by supervised volunteers.
- Relevant personal care, for example washing or dressing; or health care by or supervised by a professional. This activity does not need to meet the frequency threshold.
- Registered childminding; and foster-carers. This activity does not need to meet the frequency threshold.

6.3 'Frequency'

'Frequent' is once a week or more on an ongoing basis or four or more times in a single month or overnight (between 2am and 6am). Frequent activity only applies where they take place in a single specified place e.g. visits to the same school. If activity is in a number of 'specified places' (e.g. schools), but is infrequently in each, a DBS check will not be required even if the totality of work carried out in the various settings is frequent.

6.4 On the rare occasion that an appointee is not employed by the Trust in a 'regulated' activity they may be required to submit a standard DBS disclosure where they work in positions of trust which are defined by the Rehabilitation of Offenders Act Exceptions Order 1975.

6.5 Any contractor, or any employee of the contractor, who is to work at any Trust premises should be subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated active, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor work on a single site or across a number of sites.

6.6 Any organisation providing services to the Trust must be contractually required where relevant to comply with the Trust's procedures for safeguarding and ensuring that relevant safer recruitment checks have taken place.

7 Recruitment Process

7.1 All staff appointed to Sentamu Academy Learning Trust will be subject to enhanced DBS and barred list checks. Relevant staff will also be subject to secretary of state prohibition checks as detailed in section 3. As part of the recruitment process, all applicants will be made aware that a DBS disclosure is required as part of the application process and arrange for a DBS check at the appropriate stage.

7.2 When an appointee has been selected, the appointment letter must indicate that the appointment is subject to DBS clearance and the contract will be issued with a clause to this effect. All new appointees will complete their DBS application as instructed as soon as the offer is made to the individual. Specific, trained individuals at each Academy will complete the identity checks (in the role of identity checker) and countersign the application. Members of the transgender community may contact the DBS for a sensitive check which does not reveal their gender identity history. All subjects of a DBS disclosure request will be made aware of the DBS Code of Practice.

7.3 DBS no longer issue disclosure certificates to employers. On appointment, appointees should be provided with a DBS agreement form (see Appendix B) which instructs them to bring their certificate to the Academy in which they are based before they start work or any project involving regulated activity. The disclosure certificate should be provided to relevant Academy within 7 days of issue, or applicants should inform the Principal if they are disputing information on the disclosure.

7.4 DBS, barred list and prohibition checks should be recorded on the Single Central Record.

7.5 Where a DBS clearance has not been seen before the proposed start date, the Principal will conduct a risk assessment to determine whether the person should be allowed to commence working, and if so what additional supervision/systems/monitoring need to be put in place. The level of additional supervision required in such circumstances will take into account factors such as what is known of the person, their experience and the nature of their duties. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate. For all staff without completed DBS disclosures it should be made clear that they are subject to this additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision spelt out. Such arrangements will be reviewed by the Principal at least every two weeks until DBS clearance is received. A barred list check must take place before anyone undertakes a regulated activity (as detailed in paragraph 6.3).

7.6 Sentamu Academy Learning Trust Academies will only accept portability of DBS checks for an individual moving jobs within the Trust as proof of satisfactory clearance when:

- the disclosure is at the correct level i.e. Standard / Enhanced / Enhanced + Barred list
- the new work does not represent any significant change in duties and/or contact with, children; and
- the individual has not had a break in service or the individual has had a break in service of less than three months and the Disclosure has been issued within the last 12 months
- The Trust/Academy has seen and verified the original Disclosure Certificate.

If these conditions are not met a new DBS certificate should be obtained.

7.7 Staff may wish to join the DBS update service if they are likely to require another check in the future. Applicants may sign up to the service if their check was issued after 17 June 2013, for a fee of £13 per annum, which is payable by the applicant. Employees and applicants are not required to subscribe to the update service. Where an employee or applicant has subscribed, the Academy will carry out an online check to see if any new information has come to light since the last DBS Certificate was issued, this is called a “status check”. However in order to carry out the check the Academy MUST follow the guidance shown below:

- Obtain the employee or applicant’s consent either verbally or in writing;
- Have sight of the original certificate to check that it is the same type and level that is required for their current role; as this is all you are legally entitled to check;
- Check the person’s identity;
- Check the name on the DBS Certificate matches the identity;
- Note the DBS Certificate reference number, the person’s name and date of birth.

If a different type or level of check is required or if the status check indicates that there has been a change, a full DBS Disclosure check will be required. There is no registration process or fee for employers to check a certificate but the employer must be legally entitled to carry out a check and have the workers permission. The detailed guidance for employers can be found on the DBS web site <https://www.gov.uk/disclosure-barring-service-check/arranging-checks-as-an-employer>

8 Enhanced DBS and Barred List Re-Checks For Employees

8.1 Sentamu Academy Learning Trust implements the guidance from Ofsted regarding re-checks for employees which states: “The ‘three year rolling programme’ for all staff is a myth. There has never been a requirement for a rolling programme of three-yearly checks for staff who have unbroken service (that is, no break of three months or more). The only reference to three-year checks in Safeguarding children and safer recruitment in education is in appendix 11, where it is recommended for agency staff. Ofsted and the Department for Education have repeatedly pointed out that such routine checks for staff directly employed by a school or college are not required. Ofsted will consider such routine re-checks to be excessive, as they go beyond what the law requires or the Government recommends. They will not be considered evidence of good practice, and may be considered to represent a poor use of resources.” Therefore, we will not routinely check existing employees, but reserve the right to ask existing members of staff to apply for a new DBS check if there are ‘reasonable grounds’ such as:

- There has been a break in service of three months or more.
- Their actions or activities give ‘cause for concern’ e.g. allegations of suspicious or inappropriate behaviour made by a child or other person or a colleague, parent, carer or member of the public. In such instances, a full investigation of any such allegations will be conducted in accordance with Sentamu Academy Learning Trust Disciplinary Policy. As part of the investigation process, the employee may be required to undergo an Enhanced DBS check or Enhanced check for Regulated Activity with consideration and legal advice taken in respect of human rights and employment legislation.
- They disclose that they have received a caution or conviction during employment.

8.2 Any existing employee refusing to comply with the request for an enhanced DBS check or Enhanced check for Regulated Activity will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued by an appropriate manager and/or to comply with a contractual agreement will lead to the employee being subject to a disciplinary investigation.

8.3 Where, as a result of a re-check, employees have an adverse disclosure result, the Executive Principal and Academy Principal should be informed, and delegate a member of the Senior Leadership Team or HR department to complete a 'Cause for Concern Risk Assessment Proforma' (Appendix E). It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups, property/information/resources etc. depending on the nature of the disclosures and pending the outcome of a full investigation. It may be that there are no suitable duties the employee could undertake during this period which do not bring them into contact with children/adults. If this is the case, the manager must give consideration to suspending the employee on full pay pending the outcome of the disciplinary investigation. If the employee confirms or refutes the information provided by the DBS, the Executive Principal might request further checking with the DBS.

8.4 When completing Appendix E: The Cause for Concern Risk Assessment Proforma it should be considered whether the conviction is relevant to the post and evidence of previous convictions should not be used to dismiss a person for poor job performance. The track record of the individual should be carefully assessed and if it is satisfactory, this should be considered positively. If the disclosure results are considered to be of a serious nature and prove to be correct the manager may consider various options. Options include:

- Termination of employment.
- Redeployment pending the availability of a suitable vacancy.
- The introduction of safeguards.

8.5 Only after a full appraisal of the situation including the risks involved and other alternative employment options investigated should dismissal be considered and then only after advice from HR. If the Principal decides to consider termination of employment, then the employee must be informed in writing and a hearing held in line with Sentamu Academy Learning Trust's Disciplinary Policy.

8.6 If the disclosure results are considered not to be serious and do not impinge on an employee's ability to work in their existing role the Executive Principal should inform the employee accordingly in writing.

8.7 Agency or third party workers

Where agency cover is used for posts that require a DBS certificate, the agency must be asked to provide the reference number of a satisfactory DBS for their worker. Disclosure reference numbers should be checked to ensure that the agency is providing references to valid certificates. If the agency is unable to provide the necessary Disclosure reference, the agency worker should not be used. The person who is responsible for issuing contracts to approved agencies must ensure this requirement is contained in the terms and conditions of contracts. Academy staff should ensure that the person presenting themselves for work is the same person on whom the checks have been made.

8.8 Contractors

Contractors' staff carrying out activity under a contract for the purpose of the Trust or one of its Academies and gives the opportunity for contact with children will require an enhanced DBS certificate with barred list check.

8.9 Volunteers

The Sentamu Academy Learning Trust community is enriched by Volunteers, who support the work of our academies. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in a regulated activity. The Trust's Volunteer policy

and protocols sets out the guidance on the recruitment, deployment and DBS checks required (see Appendix C1 to C3)

9 Academy Directors and Governors

9.1 Legal duties

All academies are independent schools and the provisions of the Education (Independent School Standards) (England) Regulations 2010 (the 'Standards') therefore apply to them. The Standards place a statutory duty on academy trusts to carry out certain suitability checks on staff, governors, trustees and members. The Funding Agreement, also requires the academy trust to comply with the requirements of the Standards in relation to DBS and suitability checks.

In addition, the Standards require academies to have regard to any guidance issued by the Secretary of State including the new statutory safeguarding guidance Keeping Children Safe in Education. This guidance sets out an academy's duties to carry out DBS checks on academy governors, trustees and members.

Regulation 21 of the Education (Independent School Standards) (England) Regulations sets out that for the standard in relation to suitability of those on the governing body to be met, the academy trust is required to ensure that all governors, including the Chair, are not barred from regulated activity and have also undergone an enhanced DBS check. The academy, as an independent school, is legally bound to comply with these Regulations and must also do so as a term of its funding agreement. As such, a barred list check (if engaging in regular activity) and an enhanced DBS check are required to be carried out against all an academy's governors.

9.2 Checks required for the Chair of the Trust Board

- an enhanced DBS check which has been countersigned by the Secretary of State;
- checks confirming the individual's identity; and
- checks on the individual's right to work in the UK; and
- a barred list check (if engaging in regulated activity)
- a section 128 check

N.B. Where an individual is applying for the position of Chair and they have lived outside of the UK, the enhanced DBS check may not be sufficient to identify the individual. If that is the case, the Secretary of State may require additional checks to be carried out.

9.3 Checks required for other Directors of the Trust Board

- an enhanced DBS check;
- checks confirming the individual's identity; and
- checks on the individual's right to work in the UK.
- a barred list check (if engaging in regulated activity)

- a section 128 check

9.4 Checks required for Governors of the Local Governing Body

As a multi academy trust the checks as set out above are required at board (director) level. Governors that sit on the local governing committees are not directors. This means that they do not fall within the definition of 'proprietor' of an academy under the Standards. As per Keeping Children Safe in Education and the Department for Education Governance Handbook all local governors are required

to have an enhanced criminal records certificate from the DBS service. There is also the requirement to ensure local governors are not prohibited under Section 128 of the Education and Skills Act 2008 due to the position and responsibility they hold. Local governors only require a DBS barred list check if they are engaging in regulated activity.

9.5 Why is there may be confusion about the checks required?

Keeping Children Safe sets out a conflicting position. The section which deals with checks on governing bodies of academies states that, while all governors require an enhanced DBS check, only where a governor or Chair is taking part in regulated activity will they also require a barred list check. This contradicts the position in law under the Standards which require a barred list check whether or not the governor is undertaking regulated activity.

Confusion also arises from the Ofsted guidance in relation to inspecting safeguarding, which states that there is no longer a requirement for schools to carry out a DBS check on governors simply because of their office.

However, while this is the case for maintained schools, academies are still bound by the Standards.

10 Complaints

Applicants unhappy with any aspect of the DBS process, including the application of this policy, should initially raise their concerns to the Executive Principal. Where this fails to produce a satisfactory resolution, applicants have the right to complain to the Chair of Governors. Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the Disclosure and Barring Service.

11 Statement of Policy Review

The Board of Trustees has agreed that this policy will be reviewed on a three yearly basis unless Government guidance or legislation forces an earlier revision. Any review will take into consideration all aspects of applicable legislation and advice current at the time of the review. The next 'Period of Review' will be **March 2022**.

POLICY ON THE RECRUITMENT OF EX-OFFENDERS

As an organisation using the Disclosure and Barring Service to assess applicants' suitability for positions of trust and involving contact with children, Sentamu Academy Learning Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

Sentamu Academy Learning Trust is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, sexual orientation, trans-gender status, responsibilities for dependants, age, physical/mental disability or offending background.

This Policy statement will be made available to all Disclosure applicants during the recruitment process.

Sentamu Academy Learning Trust actively promotes 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.

A disclosure is only requested where it is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all 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.

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 the Trust and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the Trust to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

Sentamu Academy Learning Trust makes sure every subject of a DBS Disclosure is aware of the DBS Code of Practice and will make a copy available on request.

We will ensure that those identifying and assessing the relevance and circumstances of offences in relation to the employment of ex-offenders are given the relevant guidance to do so.

Sentamu Academy Learning Trust undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of any offences.

DBS EMPLOYEE AGREEMENT

Dear Colleague

RE: DISCLOSURE & BARRING SERVICE
SINGLE CERTIFICATE ISSUED TO APPLICANT ONLY

Agreement to present original Certificate to the Academy

Only one copy of a Disclosure Certificate will be issued and it will be your responsibility to present the Certificate to the Academy at which you are based. You are reminded that failure to disclose a criminal record may lead to the withdrawal of employment/volunteer offer and if already an employee may lead to disciplinary action.

Sentamu Academy Learning Trust requires that all of our employees/volunteers present issued (original) DBS Certificate. Please complete the agreement below and return to

.....

I agree to present the original DBS Certificate to the school within 7 days of receipt and I am aware that failure to comply will lead to further action from the HR Department.

DBS application form reference no.	
Full Name	
Academy	
Signature	
Date	

C. 1 VOLUNTEER HELPERS IN SCHOOL POLICY AND PROTOCOLS

At Sentamu Academy Learning Trust we are open and welcoming to all who would like to support our students. We would like to encourage parents and other adults to help the school in a variety of ways. We believe that members of the local community can add enormous value to children's learning opportunities. Our overriding concern is for the safety and security of the children in our care. Our policy is to ensure that the children benefit from as much help and support as necessary while being ensured of the best security possible.

Aims of Volunteer Helpers policy

- To provide parents/staff and volunteers with clear expectations, induction and guidelines for working in one of our academies.
- To encourage the wider community to engage with children's learning to raise standards of achievement and promote community cohesion.

Volunteer helpers are:

- Parents or other adults working alongside teachers and other associate staff
- Students/parents or other adults on work experience

Volunteer helpers support the school in a number of ways:

- Supporting individual students within classrooms
- Hearing students read
- Helping with classroom organisation
- Helping with supervision of children on school visits
- Helping with group work
- Helping with art or other practical subjects (technology etc)

Volunteer helpers are not allowed to do the following activities:

- Take responsibility for all or some of the class
- Change very young children or supervise them changing
- Supervise children engaged in PE or other specialist activities
- Take the children off the school site without a teacher in charge

The responsibility for the health and welfare of the children remains with the class teacher at all times

Applying to become a volunteer

- Anyone who is interested in becoming a volunteer at a Sentamu Academy Learning Trust academy should contact the Principal or Head at the Academy or Human Resources hr@sentamuacademy.org who will pass on the details to the appropriate department/area of learning/member of staff.
- If a member of staff receives a direct approach from a volunteer, they should direct the enquiry to their Principal/Head or in the case of Archbishop Sentamu Academy the Designated Lead for Safeguarding.
- If there is a vacancy for a volunteer, a meeting will be set up with a relevant member of staff to agree the purpose, length and focus of the volunteer placement, and arrange for the appropriate DBS checks to take place.
- Volunteers can work in the Academy immediately (subject to List 99 check) if they are supervised; for any unsupervised activities, a full enhanced DBS check should be received before starting unsupervised activities.

- Each Academy will maintain a list of volunteers in the Academy. The list should include: Name Link teacher/associate staff assigned to Area of learning Purpose of volunteer Date started (and finish date if placement), DBS details.
- The Academy reserves the right to stop the placement at any time.

Signing in

When any helper arrives in the Academy they must sign in at reception and collect a visitor/parent helper badge which must be worn at all times in Academy. Please indicate your arrival time and which class/member of staff/area of learning you will be visiting. Volunteers must also sign out and state the time when they are leaving the school premises.

Safeguarding checks and guidance

Sentamu Academy Learning Trust follows the guidance from the Disclosure and Barring Scheme in order to safeguard the wellbeing of our students. For the children's safety, all volunteer helpers who have regular contact with children will be checked to see if they are on the Barred list (a list of people who are banned from working with children) regardless of whether they have unsupervised access to children. Volunteers with unsupervised access to children in addition to this will have an Enhanced Disclosure prior to taking up the role. (DBS) If a parent has had any criminal allegations made against them, these must also be disclosed to the Executive Principal prior to volunteering in the school. This will be dealt with in strictest confidence. The Executive Principal has the authority not to accept the help of volunteers if he believes that it is not in the best interest of the students.

Volunteers not requiring an Enhanced Disclosure

- Volunteers or parents who accompany staff and children on one-off outings or trips that do not involve overnight stays.
- Those who help out at specific events e.g. contextualised learning days etc who do not have unsupervised access to children. All volunteers will be provided with a guidance document to ensure they safeguard the wellbeing of students of the Academy.

Confidentiality

We recognise that for staff and parents of other children to be confident about helpers in school all volunteers will need to agree to a protocol about confidentiality and conduct. Volunteer helpers are asked to sign a 'Volunteer Helpers Protocol,' a copy of which will be kept in school.

Deployment of parent helpers

It is the policy of the Academy to ask parents not to support in their own child's classroom, as this can be distracting for the child and perhaps can place the class teacher in a difficult situation. Helpers will be asked to support in classes where there is the most need for individual support.

Monitoring and review

The day to day monitoring of this policy is the responsibility for the Executive Principal, the Senior Leadership Team and HR department. The Executive Principal will report to governors annually on the number of parent volunteers in school and summarising their value and impact in supporting children's learning. This policy will be reviewed on a 3 year cycle or earlier if necessary following full consultation from parent voice groups, staff and governors.

C.2 VOLUNTEER HELPERS IN SCHOOL PROTOCOL

Please read and sign the document below to confirm your agreement with the following Academy expectations as a volunteer helper:

..... Academy agrees to:

- Explain your tasks/jobs carefully so that you are clear about what we would like you to do with the children/students
- Share our Academy’s Behaviour policy with you to help you understand how we manage behaviour and rewards
- Ensure that the children you work with behave and work well
- Treat you with the highest respect and care
- Share relevant information about the children/students you are working with
- Let you know in advance the overall plan for the day and let you know if this changes
- Treat anything you tell us with confidentiality

We agree not to ask you to:

- Deal with difficult or challenging behaviour
- Carry out a task that you feel unprepared to complete

As a Volunteer Helper, I agree to:

- Use the Academy Positive Behaviour policy and inform the teacher if I see any inappropriate behaviour
- Inform the teacher if I observe anything that concerns me in the Academy
- Treat any information with total confidentiality
- Inform the school if I am unable to come into school for any reason by the time agreed
- Respect and listen to the guidance of the teacher at all times
- Complete the appropriate DBS and barred list safeguarding checks
- Disclose any criminal allegations to the Principal/Head prior to starting as a volunteer helper at a Sentamu Academy Learning Trust Academy
- Adhere to all safeguarding protocols provided including the Code of Ethical Conduct

I agree not to:

- Look at or compare children’s work, records or staff records
- Share any information about a child or member of staff with anyone outside the school staff team

Signed: Link member of staff

..... Volunteer

Date

C.3 VOLUNTEERS CODE OF PRACTICE/CHILD PROTECTION

All Academy staff are valued members of the school community. Everyone is expected to set and maintain the highest standards for their own performance, to work as part of a team and to be an excellent role model for our students. It is recommended that you read the Trust's Child Protection Policy in full. Below are a couple of extracts which you volunteers should be aware of.

C 3.1 Staff & Volunteer Self-protection

Adherence to guidelines on self-protection for staff and volunteers working with children and young people can avoid vulnerable situations where false allegations can be made.

- To avoid situations where a staff member or volunteer is on their own with a child.
- In the event of an injury to a child, accidental or not, ensure that it is recorded and witnessed by another adult in the organisations accident book
- Keep written records of any allegations a child makes against staff and volunteers and report in line with the Child Protection Policy.
- If a child or young person touches a staff member or volunteer inappropriately record what happened immediately and inform the child protection coordinator.
- Adhere to the national guidance Safe Working Practice for Adults who Work with Children, 2009, and internal Staff Conduct policy

C 3.2 Code of Practice

Underpinning Principles

- The welfare of the child is paramount.
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in the policies of the Trust/Academy.

Staff / Volunteers / children should always;

- Take all allegations, suspicions or concerns about abuse that a young person makes seriously (including those made against staff) and report them through the procedures.
- Provide an opportunity and environment for children to talk to others about concerns they may have.
- Provide an environment that encourages children and adults to feel comfortable and confident in challenging attitudes and behaviours that may discriminate others.
- Risk assess situations and activities to ensure all potential dangers have been identified.
- Treat everyone with dignity and respect.

Staff / volunteers / children should not;

- Permit or accept abusive or discriminatory behaviour.
- Engage in inappropriate behaviour or contact.

- Use inappropriate or insulting language.
- Show favouritism to anyone.
- Undermine or criticise others.
- Give personal money.

Mobile Phones, Cameras and other electronic equipment

Staff must not use mobile phones in rooms where children are present, including those where children are cared for. It is appropriate to take photographs of children to capture a curriculum activity or a celebration of academy life using academy equipment providing we have permission to do so from the parents. Academy supplied mobile phones may be used for the purposes of educational purposes however the use of this data should be controlled in line with CCTV data (see CCTV policy) .

Staff must not, however, use their personal mobile phone, camera (still or moving images) or other devices to take, edit or store images of children from at one of our Academies.

C 3.3 Child Protection Information for Visitors and Volunteers

The Trust is committed to safeguarding and promoting the welfare of children and young people, and expects all staff to share this commitment. The Trust's first priority is the welfare of our students. We are committed to the highest standards in protecting and safeguarding the students entrusted to our care at all times.

We recognise that some children may be the victims of neglect, physical, sexual or emotional abuse and that all of the staff are well placed to identify such abuse and offer support to children in need.

In order to protect our children at Sentamu Academy Learning Trust Academies, we aim to:

- Create an atmosphere where all our students can feel secure, valued and listened to
- Recognise signs and symptoms of abuse
- Respond quickly and effectively to cases of suspected abuse

Our Academies will support students by:

- Encouraging self-esteem and self-assertiveness whilst not condoning aggression or bullying
- Promoting a caring, safe and positive environment within the school Everyone working with our students should be aware that:
 - Their role is to listen and note carefully any observations which could indicate abuse
 - They should not attempt to investigate once the initial concern is raised
 - They should involve the Designated Child Protection Officer or their deputy immediately (details overleaf)
- A disclosure of abuse or harm can be made at any time (lesson times, break times, after school etc.)
- Before outside agencies are invited into school to work with our students or to carry out work on the school premises, staff are required to ensure that all relevant DBS checks and identification has been seen

If you have a concern that a child is being harmed or at risk of harm or you receive a disclosure (intentionally or unintentionally) you must contact the designated Child protection officer at the relevant academy details of which can be found on each academy's website as per below:

Archbishop Sentamu Academy

<https://sentamu.com/safeguarding-children/>

Aspire Academy

<https://aspirehull.com/safeguarding/>

Newland St John's Academy

<https://nsjhull.com/safeguarding-children/>

St James' Academy

<https://stjameshullacademy.co.uk/safeguarding-children/>

The Compass Academy

<https://thecompassacademy.co.uk/safeguarding/>

TO BE COMPLETED ANNUALLY

Primary Academy Self-Disclosure for Short-listed Applicants or Existing Workers to Share any Convictions / Cautions / Disqualifications etc

Confidential**Declaration of Criminal Record and Other Relevant Information**

**Positions Exempt from the
Rehabilitation of Offenders Act 1974**

As stated on your application form when you originally applied for your post, because of the nature of the duties the post holder is expected to undertake, you are required to disclose details of any criminal record. The position in which you are working is exempt from the Rehabilitation of Offenders Act 1974, which means that all convictions, cautions, court orders, reprimands and final warnings on your record need to be disclosed.

Only relevant convictions and other information will be taken into account so disclosure need not be a bar to continuing in your position.

If you declare your criminal record and / or other information and we believe this to have a bearing on the requirements of the post, we shall arrange to discuss the matter with you before any final decision is taken in relation to your role.

If you have any concerns or queries about filling in this declaration please contact the Headteacher.

You should be assured that the information you give will be kept securely and in accordance with the requirements of the Data Protection Act (ie once no longer required your Self-Disclosure form will be confidentially destroyed). Only the people directly responsible for making the decision will be informed of disclosed information on a need-to-know basis.

.....

- 1.** Have you been arrested, cautioned, convicted or reprimanded since completing your last enhanced CRB/DBS Disclosure check?

Yes / No *(please delete as applicable)*

If yes, please give details

- 1a.** Is your name included on the 'Disclosure and Barring Service (DBS) Children's Barred List' or the equivalent Welsh, Northern Irish or Scottish Lists as someone unsuitable to work with children?

Yes / No *(please delete as applicable)*

If yes, please give details.

2. Have you received any convictions, cautions, court orders relating to the care of children, reprimands or warnings or other grounds for disqualification from the appointment under the Childcare (Disqualification) Regulations 2009? NB – disqualification is not the same as being barred by the DBS and includes:-
- being cautioned for or convicted of certain violent and sexual criminal offences against children and adults;
 - grounds relating to the care of children (including where an order is made in respect of a child under the person’s care);
 - having registration refused or cancelled in relation to childcare or children’s homes or being disqualified from private fostering;

Yes / No *(please delete as applicable)*

If yes, please give details

3. I certify that the information given by me on this self-disclosure form is true to the best of my knowledge and I understand that if subsequently I am found to be materially incorrect, my employer may be entitled to terminate my employment without notice.

Name (please print clearly):

Signed:

Dated:

Please return your completed declaration in a sealed envelope to the Headteacher/Director of HR (if appointment is for the position of Headteacher) marked Private and Confidential.

Self-Disclosure for Secondary Academy Employees or Short-listed Candidates to Complete to Share any Convictions / Cautions / Disqualifications etc.

Confidential
Declaration of Criminal Record and Other Relevant Information

**Positions Exempt from the
 Rehabilitation of Offenders Act 1974**

As stated on the application form, because of the nature of the duties the post holder will be expected to undertake, you are required to disclose details of any criminal record. The position you have applied for is exempt from the Rehabilitation of Offenders Act 1974, which means that all convictions, cautions, reprimands and final warnings on your record need to be disclosed.

Only relevant convictions and other information will be taken into account so disclosure need not be a bar to obtaining the position you have applied for (please refer to the Trust's policy on the 'Employment of Ex-Offenders').

If you declare your criminal record and / or other information and we believe this to have a bearing on the requirements of the post, we shall arrange to discuss the matter with you before any final decision is taken in relation to your job application or employment. If we do not raise the matter with you it is because it is considered that your disclosure has no bearing on the requirements for the post.

If you have any concerns or queries about filling in this declaration please contact the Headteacher.

You should be assured that the information they give will be kept securely and in accordance with the requirements of the Data Protection Act (ie once no longer required, your Self-Disclosure form will be confidentially destroyed). Only the people directly responsible for making a decision will be informed of disclosed information on a need-to-know basis.

.....

1. Have you been arrested, cautioned, convicted or reprimanded since completing your last enhanced CRB/DBS Disclosure check?

Yes / No *(please delete as applicable)*

If yes, please give details.

2. Are you aware of any police enquiries undertaken following allegations made against you, which may have a bearing on your suitability for your current post?

Yes / No *(please delete as applicable)*

If yes, please give details.

3. Is your name included on the 'Disclosure and Barring Service (DBS) Children's Barred List'/'DBS Vulnerable Adults List or the equivalent Welsh, Northern Irish or Scottish Lists as someone unsuitable to work with children?

Yes / No *(please delete as applicable)*

If yes, please give details.

4. Have you received any convictions, cautions, court orders relating to the care of children, reprimands or warnings or other grounds for disqualification from the appointment under the Childcare (Disqualification) Regulations 2009? NB – disqualification is not the same as being barred by the DBS and includes:-
- being cautioned for or convicted of certain violent and sexual criminal offences against children and adults;
 - grounds relating to the care of children (including where an order is made in respect of a child under the person's care);
 - having registration refused or cancelled in relation to childcare or children's homes or being disqualified from private fostering;

Yes / No *(please delete as applicable)*

If yes, please give details

I certify that the information given by me on this self-disclosure form is true to the best of my knowledge and I understand that if I am appointed and such information is subsequently found to be materially incorrect, my employer may be entitled to terminate my employment without notice.

Name (please print clearly):

Signed:

Dated:

Please return your completed declaration in a sealed envelope to the Principal or Director of HR (if appointment is for the position of Principal) marked Private and Confidential.

CAUSE FOR CONCERN RISK ASSESSMENT PROFORMA

Please complete this form fully and discuss with an HR Adviser, as it will form the basis of a decision to appoint/not to appoint someone into a position where adverse disclosures have been identified on a returned DBS check.

Name of Principal/Vice Principal

Name of Applicant.....

Name of HR Adviser (consulted if required)

Position Applied For

Academy

Date of Risk Assessment.....

Questions	Comments
Does the applicant meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?	
Does the applicant agree that the information contained in the DBS certificate is correct?	In the event of a challenge from the applicant the matter needs referring to the disputes team at the DBS
What was the nature of the crime, when did the relevant offence(s) occur e.g. less/more than two years ago, what were the circumstances involved and what was the sentence?	
Do the matters disclosed form any pattern? Was the offence a one-off, or part of a history of offending e.g. is the offence likely to re-occur?	
What is the seriousness of the offence(s) and relevance to the safety of other employees, students, service users and property?	
Are there any assessments and reports from those agencies involved in the applicant's process of rehabilitation e.g. probation service, specialists working in prison, other agencies?	

Are the type and/or nature of the offence(s) directly relevant to the post?	
What is the nature of the contact the applicant will have with children/adults/the public and how vulnerable are they? Will they have access to finances or to items of value?	
Was the relevant offence committed at work (either paid or unpaid work)? Does the job present any opportunities for the applicant to re-offend in the place of work?	
Did the applicant declare the matters on their application form?	
Are there any mitigating circumstances e.g. any relevant information offered by the applicant about the circumstances that led to the offence being committed?	
Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, addiction therapy etc.) Can the applicant demonstrate any efforts not to re-offend? i.e. rehabilitation course	
Would the applicant do anything differently now, has their motivation changed? Does the individual regret the matter and what is their attitude towards the matter now?	
What level of and how much supervision is available to the applicant?	
Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact?	
Any questions/additional comments from the applicant?	

Declaration by the applicant and any additional comments in support of their employment.

I understand that any offer of employment will be subject to the information that I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this proforma will be held securely by the HR department for 25 years from the date of the assessment if appointed/6 months if not appointed. It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with Sentamu Academy Learning Trust, where an investigation would require access to this data. It will be destroyed in line with the Trust's DBS policy.

I consent to the above:

Signature: Date:

Name:

Additional comments from the Principal/Head

Signature: Date:

Name:

Outcome of Risk Assessment (delete as appropriate):

- Continue with offer of employment / withdraw offer of employment

Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the employing Academy

Name of Authorising Officer (Executive Principal/Principal/Head).....

Signature: Date:

