

Disclosure and Barring Policy

Introduction

Highgate undertakes to treat all DBS check applicants fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

2. What is DBS Disclosure?

Requests for information about criminal convictions can only be made through the DBS and are made on behalf of Highgate by our registered persons (currently the Bursar and HR Director).

As a School, Highgate is entitled to ask exempted questions by virtue of the Exceptions Order of the Rehabilitation of Offenders Act 1974. However, amendments to the Exceptions Order 1975 (2013 and 2020) provide that certain spent convictions and cautions are “protected”. These are not subject to disclosure and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice website or see [here](#).

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

Shortlisted candidates will be asked to provide details of all unspent convictions and those that would not be filtered, prior to the shortlisted candidates interview. Highgate may ask for further information about anything that was disclosed during the recruitment process. The successful candidate who will be appointed, their self-disclosure will be checked against information from the Disclosure & Barring Service before an appointment is confirmed.

2.1. Enhanced Disclosure

This level is required for those positions which involve regulated activity with children or vulnerable adults. Therefore, Highgate’s entire workforce, including support staff and agency workers, requires an Enhanced Disclosure.

Enhanced Disclosures contain the same information as Standard but with the addition of local police force information considered relevant by Chief Police Officer(s). The Enhanced check will show any convictions, cautions, reprimands or bind-overs, including those that would be regarded as “spent” under the Rehabilitation of Offenders Act 1974, as well as details of whether they are included on the Barred List.

2.2. Supervision Orders

Where it is not possible to obtain DBS clearance before appointment, following a review of the associated risk and mitigating factors, the Head can decide that the employee can start work with appropriate permanent supervision. This agreement will be detailed under a Supervision Order which will specify the members of staff responsible for supervising the employee whilst on School premises. The HR department will be responsible for completing the risk assessment and drafting the Supervision Order.

The Supervision Order must be signed and dated by the following individuals before the member of staff can commence work:

- a. Head;
- b. Bursar;
- c. HR Director;
- d. Line manager; if the new employee works across more than one department of the School all relevant line managers will be asked to sign the supervision order;
- e. Employee.

Two copies must be signed by all the above individuals; one copy will be held on the personnel file, the other copy will be retained by the new member of staff. Where a Supervision Order is being applied to a non-directly employed individual e.g. contractor, agency worker, the individual must read Highgate's Safeguarding Policy, Whistleblowing Policy, Health & Safety Policy, Code of Conduct, IT Acceptable Use Policy for Staff, Recruitment Policy, Privacy Notice, Staff Privacy Notice, Policy on Taking, Storing and Using Images of Pupils and CCTV policy and KCSIE information for all staff prior to signing the Supervision Order and sign in acknowledgement of having read the requisite information.

During school holiday periods, the Bursar may assume responsibility for the decision to authorise supervision arrangements and the Head will not be required to sign the Supervision Order itself. HR will hold a copy of the document approving this transfer of responsibility.

It will be the responsibility of the line manager to inform the rest of the employees named on the Supervision Order of their responsibilities and duties whilst the supervision order is in place and to ensure the guidelines are followed by all.

2.3. Clarification on Enhanced Disclosure for Particular Staff Groups

The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licences.

3. Applicants from Abroad

The Disclosure and Barring Service cannot establish details of criminal convictions acquired outside of the UK and practices in other countries may vary considerably. Where a candidate has been resident overseas for a total period of three months or more in the ten years prior to appointment a Police Check (or equivalent) will need to be obtained from the relevant jurisdiction(s). The candidate is responsible for requesting the check and for any associated payment; details of how to obtain overseas checks can be requested from the HR department.

In the absence of a response from the relevant jurisdictions before the person starts work, or if the country in question does not have a suitable system in place, Highgate will require a reference (beyond the normal two) from the overseas country before the person starts work. Should the references need to be officially translated the candidate will be responsible for bearing the costs.

An employee will need to work under a Supervision Order (subject to the other requisite paperwork) if Highgate is still waiting for either the overseas criminal records check or the overseas reference when the employee starts work.

4. Repeat Checks and the Three-month Rule

Any member of staff who changes role within Highgate to a position with significantly greater responsibility or increased access to children will be required to complete a new DBS check. Any former employee or temporary member of staff with more than a three-month gap between contracts or work-related visits will be required to complete a new DBS check.

5. DBS Online Update Service

Should an applicant have registered for the DBS Update Service the HR department will be responsible for conducting the online check. The applicant will be required to produce the existing Enhanced DBS Certificate and sign a document authorising Highgate to conduct the online check.

The online Update Service will indicate whether any convictions etc. have been received by the applicant since the date of the original Certificate. If any convictions are identified, a full risk assessment of the situation

is to be carried out as per Section 1 of Appendix 6 prior to a contract being issued. If the Update check is satisfactory the details of the original Certificate and dates of check will be recorded on the Central Register.

6. Who Pays for DBS Checks?

For new staff, Governors and existing staff that require a new check the cost of DBS checks falls to the School. If a DBS check is carried out on behalf of an agency member of staff the relevant agency will be charged. If a member of staff requires a new DBS check for personal reasons they will be asked to cover the cost. There is no charge for volunteer helpers who are required to undergo a check.

Once the DBS application has been submitted, applicants can subscribe to the online DBS update service which will enable them to use the same DBS certificate with other organisations. The cost of this subscription will be borne by the individual and applicants will be advised of the service when completing the DBS application form.

7. What is Barred List Check?

The DBS Barred List is a list of people who have been deemed unsuitable to work with children or vulnerable adults by the Secretary of State. Barred List checks must be undertaken on everyone working at Highgate, including staff and governors, who will have contact with children, before they start work. The Barred List is automatically checked as part of the DBS Disclosure process. However, when a Disclosure remains outstanding when an individual begins work, a Barred List check must have been completed by the HR department before the first day of work.

8. Secure Handling, Use, Storage and Retention of Disclosure Information

8.1. General Principles

Highgate complies fully with the Code of Practice, issued by the Disclosure and Barring Service, regarding the correct handling, holding and destruction of Disclosure information provided by the Disclosure and Barring Service, for the purpose of assessing the suitability of applicants for positions of trust. A copy of the DBS Code of Practice may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.

Highgate also complies fully with the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. In line with the data protection provisions all applicants are required to read and understand **DBS' Privacy Policy for Standard and Enhanced** checks. This will be verified and recorded during the application process.

Failure to comply with the request to obtain a DBS disclosure, or where a subsequent Disclosure reveals any conviction that was not declared during the interview, may result in the offer of employment being withdrawn.

Staff within Highgate responsible for checking DBS applications and documentation (generally the HR department) must check all sections of the DBS Disclosure Application Form very carefully and remain fully up-to-date on the guidance for this. Forms will be returned to Highgate if incomplete or incorrect and will therefore delay the process.

Applicants should note that Disclosure information contains details of all current and spent convictions (not filtered in line with current guidance) and, in certain circumstances, other relevant sensitive information. The HR department will provide more information on “unspent” convictions to candidates if requested.

8.2. Handling Information

Highgate recognises that under Section 124 of the Police Act 1997, it is a criminal offence to disclose information to an unauthorised person. Highgate therefore will only pass information to those that are authorised to see it in the course of their duties.

8.3. Usage

Highgate uses Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within the School is not used or disclosed in a manner incompatible with the purpose. Highgate processes personal data only with the express consent of the individual. Highgate will notify the individual of any non-obvious use of the data.

8.4. Access and Storage

An individual’s personnel file will only hold information on the DBS Certificate number, date of issue and details of the date when it was checked and by whom. Such information is also retained on the Central Register. Disclosure information is kept securely, in lockable, non-portable storage containers. Access to Disclosure information is strictly controlled to authorised and named individuals, who are entitled to see such information in the course of their duties. Any attempt by an un-authorised person to access Disclosure information will result in disciplinary action and be reported to the appropriate authority.

8.5. Retention

Highgate does not keep Disclosure information for any longer than is required after the recruitment (or any other relevant) decision has been taken. In general, this is no longer than six months. This is to allow for the resolution of any disputes or complaints. Disclosure information will only be retained for longer than this

period in exceptional circumstances and following consultation with the Disclosure and Barring Service. Where Disclosure information is to be held longer than six months, the individual concerned shall be informed.

8.6. Disposal

Once the retention period has elapsed, Highgate will ensure that Disclosure information is immediately destroyed in a secure manner i.e. by shredding. A person authorised to access the Disclosure as part of their duties, will carry out the destruction of Disclosure information.

Highgate will not retain any image or photocopy or any other form of the Disclosure information. However, Highgate will keep a record of the name of the individual, the position for which the Disclosure was requested, the Disclosure type, the unique reference number and the date of issue and the recruitment decision taken. This record shall be kept in the manner outlined above.