

# DISCLOSURE & BARRING CHECKS POLICY

## Mission Statement

WeST holds a deep-seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the students and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in December 2021

Westcountry Schools' Trust will review this policy annually.

Person(s) responsible for updating the policy:	Sarah Stainer
Dates consulted on with recognised unions and staff:	12/11/2021 to 15/12/2021
Date Approved by Trust Board:	15 <sup>th</sup> December 2021
Date of next review:	December 2022
Status:	Approved

## WeST Core Values

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

- **Collaboration**  
Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skillfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.
- **Aspiration**  
Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.
- **Integrity**  
Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles. Communicating with transparency and respect, creating a working environment based on trust and honesty.
- **Compassion**  
Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

## Providing Accessible Formats

If you are unable to use this document and require it in a different format, please contact Human Resources.

## **WeST Policy Suite**

All Trust HR Policies are accessible via the WeST Staff Portal. Please contact your local administrative office or Human Resources for log-in details.

HR Helpline: 01752 891754 ext. 1765

HR Email: [HR@westst.org.uk](mailto:HR@westst.org.uk)

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## **POLICY**

### **1. Introduction**

The Trust through its leaders and staff has a duty of care to protect the well-being of the students at the school/business unit and others with whom the school/business unit comes into contact.

The Disclosure and Barring Service (referred to as 'DBS' for the remainder of this policy) helps employers make safer recruitment decisions about employees and volunteers. It also prevents unsuitable people from working with vulnerable groups, including children and students, through its criminal record checking and barring functions.

This policy sets out how the Trust manages DBS criminal records checks. The policy applies to employees, casual staff, agency workers, volunteers and contractors.

### **2. Legislative Influences**

This policy has been written with regards to the Human Rights Act, the Data Protection Act, the Police Act 1997, the Safeguarding Vulnerable Groups Act 2006; Protection of Freedoms Act 2012 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

The following is also relevant to this policy:

Section 11 of the Children's Act 2004, Section 175 Education Act 2002 (schools), Section 157 Education Act 2002 (Academies/Free Schools).

This policy complies with requirements under the Working Together to Safeguard Children's Document and the current Keeping Children Safe in Education statutory guidance produced by the DfE.

### **3. Disclosure and Barring Service (DBS) lists**

The DBS has a legal responsibility to:

- maintain a list of individuals barred from engaging in *regulated activity* with children ;
- maintain a list of individuals barred from engaging in *regulated activity* with vulnerable adults;
- reach decisions as to whether a person should be included in one or both barred lists; and
- reach decisions as to whether to remove an individual from a barred list.

### **4. DBS Code of Practice**

The Trust will comply with the DBS' Code of Practice. This is to ensure that the information released will be used fairly and handled and stored appropriately.

## 5. Disclosure Level

The Trust will process disclosure checks at Enhanced level for all eligible roles, with appropriate Barred List checks for those roles that meet the criteria for Regulated Activity. This will include all roles based on or regularly visiting school sites. A section 128 check will also be requested for all Governors / Trustees / Directors and those whose roles relate to the management of the school, including the Headteacher/Principal.

For those roles not eligible for an Enhanced level DBS check an assessment will be made of eligibility for a Standard level disclosure check and where eligible the Trust will process a Standard level disclosure check. A Basic level DBS check will be processed for all roles that are not eligible for either an Enhanced or Standard disclosure check.

## 6. Authorised Officers

The disclosure process will be managed by a nominated Authorised Officer. At [Name of School/Business Unit] this is [Insert Name / Role].

## 7. Rehabilitation of Offenders Act

Once a conviction is 'spent' as defined by the Rehabilitation of Offenders Act (ROA) 1974, the convicted person does not have to reveal it or admit its existence in most circumstances, including, for example, when applying for a job. However, the two main exceptions to this relate to positions working with children or vulnerable adults. In these circumstances people may be required to reveal both spent and unspent convictions although certain specified old and minor offences will be removed from criminal record certificates issued from 29 May 2013 onwards.

The Trust requires all shortlisted applicants into posts which are eligible for an Enhanced or Standard DBS disclosure, to declare all convictions and cautions that are not "protected" as defined by the ROA (Exceptions) Order 1975 (as amended in 2013 and 2020) and any prosecutions that are pending.

The Trust will treat applicants who have a criminal record fairly and will not discriminate because of a conviction or other information revealed. Possession of a criminal record will not automatically prevent applicants from working with the school/business unit.

As part of the recruitment process such information will only be considered in light of its relevance to the post for which the applicant is applying. All appointments into posts subject to a DBS check will be made only on condition of a satisfactory DBS Disclosure. If a candidate is successful in their application for employment, the failure to disclose previous criminal history which is not protected under the filtering rules could result in withdrawal of the conditional offer of employment. In circumstances where the DBS disclosure contains positive information, all applicants will be required to show their DBS certificate to the Appointing Officer prior to confirmation of employment.

## **8. Recruitment Administration**

All job advertisements and supporting information sent to prospective candidates for posts based on or regularly visiting school sites being recruited to at the Trust will clearly state the requirement for an Enhanced DBS check. All job advertisements and supporting information sent to prospective candidates for posts not eligible for an Enhanced DBS check will state that either a Standard (where the role is eligible) or Basic DBS check will be required.

All shortlisted candidates for roles eligible for either an Enhanced or Standard DBS check will be asked to complete a Trust Self-disclosure form (Appendix 4). This will be provided to the interview panel in a sealed envelope prior to the interview. Guidance on dealing with the Trust Self-disclosure forms submitted during and following interview can be found in the Recruitment Toolkit and will be read and followed carefully by the Appointing Officer to ensure relevant legislation (section 2 above) is complied with.

If there are any criminal declarations declared on the Trust Self-disclosure form, these will be discussed either at interview or at a separate meeting (see 'Procedure').

A DBS Disclosure will only be requested for the successful candidate(s) at recruitment.

## **9. Staff Awaiting DBS Clearance**

A DBS Disclosure will be obtained before an individual starts work with the Trust. In exceptional circumstances an individual may be able to start work subject to appropriate risk assessment and a check against the barred list. The recommended risk assessment template for starting an individual prior to the receipt of a DBS Disclosure is available in the Recruitment Toolkit.

## **10. Existing DBS checks for Employees joining from another Employer**

The Trust in certain circumstances will accept existing DBS Disclosures that are maintained via the DBS Update Service. In all other circumstance, the Trust will require a new enhanced disclosure to be completed prior to confirmation of employment.

## **11. Re-checking of Existing Employees**

Each Disclosure will contain the date it was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of a Disclosure at any time after it is issued.

Existing employees who have not previously been subject to a DBS Disclosure may be required to undertake a Disclosure during the course of their employment with the Trust. All employees will be expected to comply and any employee refusing to comply with the request for a Disclosure will be advised that their unreasonable refusal to carry out may lead to disciplinary action being taken.

The Trust reserves the right to ask existing employees in relevant positions to apply for a Disclosure if their actions or activities give cause for concern.

All employee re-checks will be undertaken in conjunction with the provisions of this policy and in line with the DBS Code of Conduct and Department of Education guidance.

## **12. Volunteers**

The Trust occasionally uses volunteers. The requirement to undertake a DBS Disclosure will be determined by the frequency and nature of contact with children i.e. if being left unsupervised with children and/or if having regular contact, which is defined as once a week or more on an ongoing basis or 4 or more occasions in a 30 day period or more.

This will be based on a thorough risk assessment of the role to be performed by the volunteer.

Volunteers who only accompany staff and students on one off outings or trips or who help at one off specific events such as sports days, school fetes etc do not need to be DBS checked but they must be supervised in compliance with the statutory guidance. If however an overnight stay is involved then an enhanced DBS will be obtained.

Statutory guidance on supervision arrangements can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/280881/supervision\\_of\\_activity\\_with\\_children\\_which\\_is\\_regulated\\_activity\\_when\\_unsupervised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/280881/supervision_of_activity_with_children_which_is_regulated_activity_when_unsupervised.pdf)

## **13. Supply Staff**

Vetting checks will be required for those who work as supply staff, including those who are employed via a supply agency (see Agency and Contractor Staff below). The details will be recorded on the school/business unit single central record.

Where supply staff are recruited directly by the Trust the same process will be followed as for all employed staff and an enhanced DBS Disclosure applied for.

Before taking on supply staff from an agency, the Trust will obtain written confirmation from the agency that the relevant DBS Disclosure has been seen, checked and confirmation on whether it contained any disclosed information. The school will not need to see or carry out a check unless there is information contained in the DBS Disclosure.

Where an enhanced DBS certificate obtained by an agency discloses any information or matter the school will obtain a copy of the certificate from the agency. This will be validated by the school in line with section 2 of Procedures below before allowing the member of supply staff provided by the agency on site.

## **14. School Governors**

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which came into force in March 2016 make enhanced DBS checks mandatory for school governors in maintained, independent, academy and/or free schools. In accordance with these regulations the Trust will, within 21 days of appointment or election, apply for an enhanced DBS check with a check against the DBS

Childrens's Barred List for all governors. An obligatory section 128 check will also be undertaken for all Governors / Trustees / Directors.

#### **15. Overseas candidates**

All persons who have lived outside the United Kingdom and who are appointed to a post, or seeking to volunteer at the Trust must undergo a DBS check, and where appropriate a DBS Barred List check, regardless of their length of stay in the UK, or even if they have never been resident.

All foreign nationals including UK citizens who have lived or worked overseas in the previous 5 years (in a fixed permanent overseas address for a continuous period of 6 months or more) must provide a Certificate of Good Conduct (CGC) or overseas criminal record check, in addition to immigration documentation. The applicant will need to provide a CGC or overseas criminal record for every country in which residency or employment is relevant and it should be requested in English otherwise translation costs may be incurred.

The DBS cannot currently access overseas criminal records or other relevant information as part of the Disclosure service.

The unavailability of applicant's CGC or overseas criminal record may give cause for concern about his or her suitability to be offered employment or access to children. Although such candidates will not automatically be barred from working for the Trust, the Appointing Officer will decide with due regard to all the relevant facts, the risk assessment, and the overall requirement to safeguard vulnerable groups. Any decision not to appoint the person or allow access will be carefully explained and reassurance given about the reasons for it. In all cases Appointing Officers will ensure that if a CGC or Police Check is not available a reference is sought from someone in the country of residence i.e. an overseas employer or professional person.

#### **16. Agency & Contractor Staff**

The Trust will ensure that where agency or contract workers are supplied to carry out duties within their schools that brings them into regular contact with children, an Enhanced DBS Disclosure check has been undertaken by the agency or contractor before they commence work. Where they will be undertaking regulated activity, this will include a barred list check. The Trust will ensure that relevant clauses are included in any procurement contracts in advance of the work starting. The Trust will also obtain written confirmation from the agency or contractor that they have carried out all relevant safe recruitment checks and these were satisfactory.

Where an enhanced DBS certificate obtained by an agency discloses any information or matter the school will obtain a copy of the certificate from the agency. This will be validated by the school in line with section 2 of Procedures below before allowing the agency worker on site.

Where the contractor is a self-employed individual working directly for the Trust via invoice the school/business unit will request evidence for a DBS check of an appropriate level. The contractor is responsible for applying for and providing this. Where this is a positive check, this will be validated by the school in line with section 2 of Procedures below before allowing the agency worker or contractor on site. The Trust will ensure that relevant clauses are included in any procurement contracts in advance of the work starting.

Additionally, the agency or contractor will provide names of the staff that will be coming onto the school site to fulfil the contract. The Trust will check the ID of the contractors when they arrive at the school and record that these checks have been carried out on the SCR.

For contractors without the opportunity to come into regular, unsupervised contact with children, schools/business units will consider whether a basic check is required.

#### **17. Visitors**

For visitors to the school who are there in a professional capacity i.e. educational psychologist, social worker etc the Trust will check with the visitor's employer that an appropriate DBS check has been carried out and that it is satisfactory. The Trust will check the ID of such visitors when they arrive at the school.

The Trust will not request DBS checks or barred list checks, or ask to see existing DBS checks, for visitors such as a child's relative or other visitors attending a school sports day. The headteacher or principal will use their professional judgement about the need to escort or supervise such visitors.

#### **18. Single Central Record**

In addition to the various staff records which are kept as part of normal business, from 1 January 2007 Schools must also keep and maintain a single central record of recruitment and vetting checks. The Trust upholds this requirement. This record will include all employed staff, supply staff, volunteers, governors or any others who work in regular contact with the students. The Trust follows best practice advice in relation to supply staff provided by an Agency and will keep information on the school/business unit Single Central Record that is limited to name, date of check and who the check was undertaken by (Agency Name).

The single central record will indicate but is not limited to whether or not the following have been completed - identity and qualification checks, checks of permission to work in the UK, checks of the DBS Barred list, enhanced DBS Disclosure information and overseas criminal record checks (where appropriate). The record will also show the date on which each check was completed and who carried out the check.

## PROCEDURE

The following procedure will be followed by the Trust when processing DBS checks.

### 1. Identity checks

All appropriate original documents will be sought and evidence taken in accordance with the DBS Code of Practice.

If an applicant is unable to produce one of the key primary documents, the Trust will contact our DBS provider to arrange an external ID Verification check.

### 2. Validating the DBS Certificate

Once the DBS check has been completed, the DBS certificate will be sent directly to the candidate. The Trust will be informed via automated response whether the certificate is clear or contains positive information, but not what that positive information is. Copies of the certificate are not sent to the school/business unit. In circumstances where the check contains positive information, the Appointing Officer will ensure that they see the candidate's certificate and check it correctly.

The check the Appointing Officer carries out will include seeking expert advice from either Nacro or Unlock (contact details below) to confirm whether any of the information contained on the disclosure must be disregarded under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020. Any information that these organisations confirm must be disregarded must be treated as though it has not been included on the DBS disclosure certificate.

Nacro - <https://www.nacro.org.uk/criminal-record-support-service/>  
or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk) or phone 0300 123 1999

Unlock – <http://hub.unlock.org.uk/contact/> phone 01634 247350 text 07824 113848

The Appointing Officer must obtain advice from the HR Team before a decision to withdraw an offer is made.

### 3. Further action once the DBS certificate has been validated

Where a clear (i.e. without any positive criminal information) DBS disclosure is returned a conditional offer of employment will be made, subject to the other relevant pre-employment checks.

Where a criminal record was declared on the application form, this will be fully discussed with the candidate seeking the post before a decision to either withdraw or confirm a conditional offer of employment is taken. In such cases, a request by a candidate to be accompanied by a trade union representative will not be unreasonably refused. A risk assessment (see 4) will be carried out to help determine if the criminal history is relevant to the role before any decision is made.

If the DBS Disclosure contains information which was not revealed by the candidate, or additional information is received by the police, a further discussion will be held with the candidate and a further review against the risk assessment carried out to determine whether to confirm or withdraw the conditional offer of employment.

#### **4. Risk Management – Assessing the relevance of a criminal record**

Assessing and managing the risk of employing a person with a criminal record, or about whom positive information has been revealed following a disclosure, means comparing the candidate's skills, experience and conviction circumstances against the risk criteria identified for the job and deciding on the relevance of the conviction or other information.

Having a criminal record will not necessarily bar someone from employment with the Trust; this will depend on the background to the offence(s) and the nature of the position being sought.

##### **4.1 Considerations**

An objective approach will be taken by the Trust in assessing the information which will take into account the school's responsibilities for safeguarding, and:

- the school's duties in law
- the nature of the crime, when it happened and the circumstances involved
- the sentence, if any
- patterns of offending
- efforts to avoid re-offending
- job requirements
- safeguards against offending at work
- possible reactions of employees.

The recommended risk assessment template for considering a positive DBS disclosure is available in the Recruitment Toolkit.

##### **4.2 Candidate Awareness**

Candidates will be made aware that Enhanced and Standard Disclosures might include non-conviction information such as details of cautions, reprimands and warnings and may include other relevant non-conviction information held by the Police including spent cautions and convictions in certain circumstances. A Basic Disclosure will only show unspent convictions or conditional cautions.

Before completing a self-disclosure form or DBS application form for the Trust candidates will be asked to read the information [here](#). If the candidate is unsure whether they need to disclose criminal information, they should be advised to seek legal advice or they may wish to contact Nacro or Unlock for impartial advice (contact details in section 2 above). There is more information on filtering and protected offences on the Ministry of Justice website - <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

During a risk assessment discussion, the candidate will be able to give a full account of the circumstances of the offence(s), any extenuating circumstances and of their efforts to avoid re-offending.

Where assessment against the risk criteria indicates that the candidate could be employed on a conditional basis provided that extra safeguards are put into place, the Appointing Officer will discuss these with the candidate and explain the reasons.

#### 4.3 Assessing the Role for Risk

When assessing the position, role or contact, a number of factors will be taken into consideration as follows:

Issues	Reasons
Exemption status under the Rehabilitation of Offenders Act 1974, duties under the Police and Children 's Acts regarding one-to-one contact with children, vulnerable adults or the elderly	It is illegal to employ certain offenders in some occupations.
To what extent are you bound by other legal constraints?	For example, those with motoring convictions employed as drivers.
Does the post involve any direct responsibility for finance or items of value?	What could happen and how serious would that be? What factors would increase or decrease the perceived risk?
Does the post involve direct contact with members of the public?	For example, the nature of the offence and impact of rehabilitation since then. Consider whether the offence would create unacceptable risks for other employees, customers, suppliers, clients, service users, etc.
Will the nature of the job present any realistic opportunities for the post holder to re-offend in the place of work?	

#### 4.4 Assessing the Ex-Offender and the Offences

When assessing any disclosure or disclosed information, consideration will be given to the following:

- The availability of assessments and reports from those agencies involved in the applicant's process of rehabilitation
- The seriousness of the offence and its relevance to the safety of other employees, clients and property.
- The length of time since the offence occurred.
- Whether the offence was a one-off, or part of a history of offending?
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- The country in which the offence was committed. For example, some activities are offences in some countries but may not be in others.
- Whether the offence has since been decriminalised by Parliament.
- The degree of remorse, or otherwise, expressed by the applicant.

#### 4.5 Insurance Safeguards

The Trust will consider any insurance cover restrictions that might exclude employment of some ex-offenders in specific positions. Any concerns in this respect will be referred to the school/business unit's insurance office before the appointment is made.

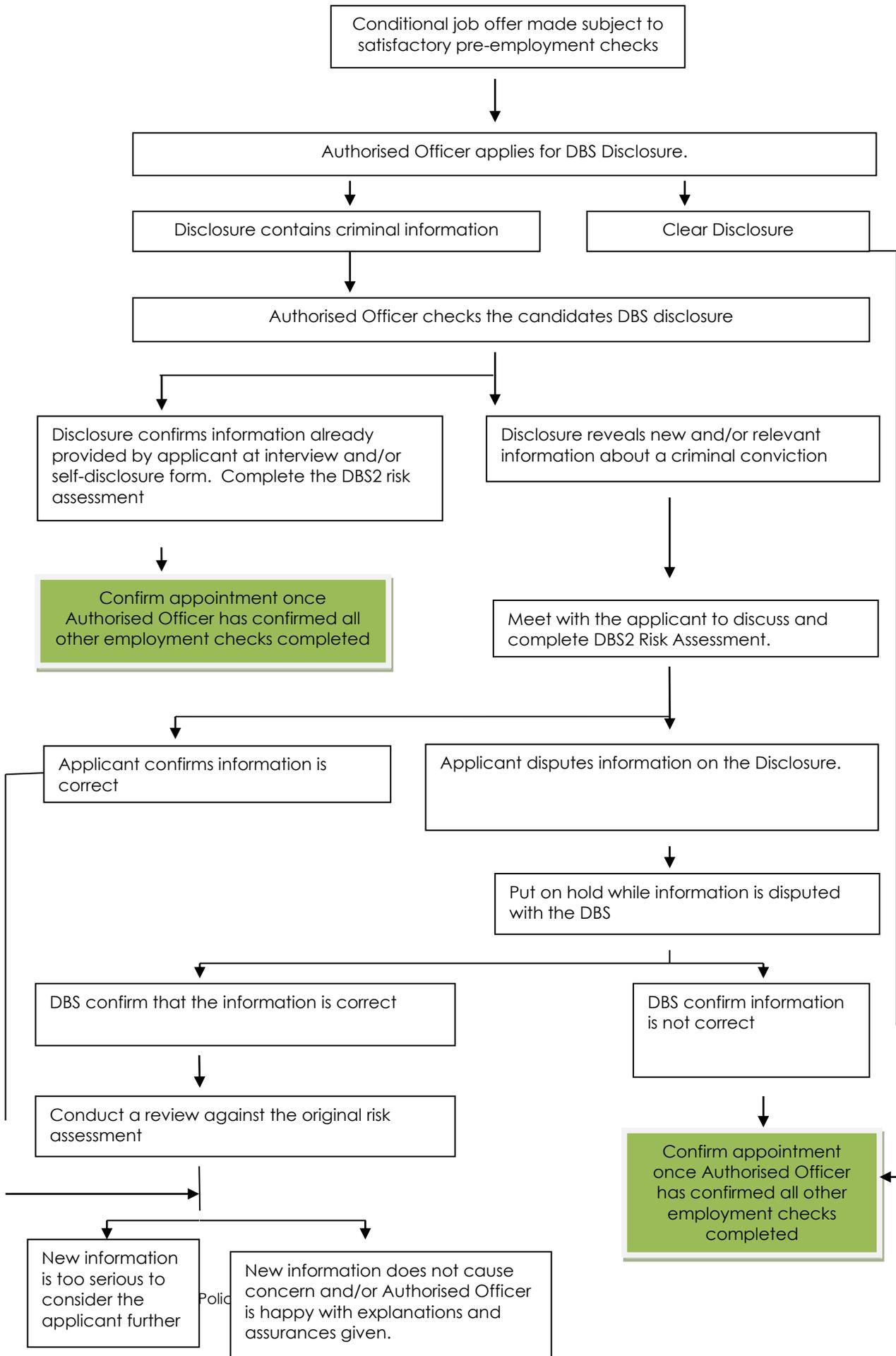
### 5. Other pre-employment checks

Whilst DBS checks are vital in the consideration of appropriately staffing posts with access to children and vulnerable people, they are just one in a range of pre-employment checks which will be carried out in order to assess the suitability of candidates.

## POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
26.09.08	Updated version of previous policy 'Managing Recruitment & The Disclosure Process'	Tara Hall RDS Manager	October 09	26.09.09
December 2012	Updated to change CRB to DBS to reflect the change in organisation from Criminal Records Bureau to the Disclosure & Barring Service.	Sue Beard RDS Manager Laura Taylor Senior HRA	December 2012	02/04/2013
January 2014	Re-worded the policy and included updates about on-line DBS applications and removal of some minor convictions	Lisa Thomas HRA Sue Beard – Safe Recruitment Service Manager.		
February 2017	General update and re-format. Specific update made to (new) S.14 – School Governors further to the The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 coming into effect	HR ONE	February 2017	
August 2017	Updated in line with MAT name changes	WeST - HR Department	TBC	
September 2017	Publication date, insertion of TOC	WeST HR	September 2017	Annually
??? 2021	General update and incorporation of recent legislative changes. Nuance level of checks available to include those in post who do not qualify for an Enhanced Check (with Child Barred List). Incorporate updated guidance in KCSIE 2021 around contractors, visitors, agency workers including supply staff. Include self-disclosure form as appendices and relevant reference to it.	WeST HR	December 2021	December 2022

# APPENDIX 1 NEW APPOINTMENTS FLOWCHART





Withdraw conditional offer of employment



Confirm appointment once all other employment checks have been completed

## **APPENDIX 2: Policy Statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information including electronic disclosure information.**

### **1 General principles**

As an organisation using the Disclosure & Barring Service (DBS) to help assess the suitability of applicants for positions of trust, the Trust complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

### **2 Storage and Access**

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **3 Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a secure record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **4 Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **5 Retention**

Once a recruitment (or other relevant) decision has been made, [Name of School/Business Unit] does not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

### **6 Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, we will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which

the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

### APPENDIX 3: Policy Statement – Recruitment of Ex-Offenders

1. [Name of School/Business Unit] complies fully with the DBS Code of Practice and undertakes to treat all candidates for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. [Name of School/Business Unit] is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, sex, religion or belief, sexual orientation, gender re-assignment, pregnancy and maternity, responsibilities for dependants, marriage and civil partnership, age, disability or offending background.
3. This policy on the recruitment of ex-offenders will be made available to all Disclosure applicants at the outset of the recruitment process.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
5. Application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
6. Where a Disclosure is to form part of the recruitment process, we encourage all candidates called for interview to provide details of their unspent convictions at an early stage in the application process.
7. Unless the nature of the position allows [Name of School/Business Unit] to ask questions about a candidate's entire criminal record we only ask about "unspent" convictions and cautions as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.
8. We ensure that all those in [Name of School/Business Unit] who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
9. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
10. We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

12. Having a criminal record is not necessarily a bar to working with us. This will depend on the nature of the position and the circumstances and background of the offences

## APPENDIX 4: WeST Self-disclosure form

Congratulations on being shortlisted. Please return this disclosure to the school/college/business unit **as detailed in the invite to interview letter**. If we have not received this, we reserve the right to withdraw the offer of interview.

POST APPLIED FOR:	Date:
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Surname:		Previous name(s) (if any):	
Forename(s):		Preferred title:	Date of birth
National Insurance No:	Teacher Ref. No (if applicable):	Date of recognition as qualified teacher, QTS (if applicable):	

***Westcountry Schools Trust is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.***

We comply with the Disclosure & Barring Service (DBS) code of practice and have a written policy on the recruitment of ex-offenders, both of which are available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

Please read the information [here](#) before answering the following questions. If you are unsure whether you need to disclose criminal information, you should seek legal advice or you may wish to contact Nacro or Unlock for impartial advice. There is more information on filtering and protected offences on the Ministry of Justice website.

Nacro - <https://www.nacro.org.uk/criminal-record-support-service/> or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk) or phone 0300 123 1999

Unlock – <http://hub.unlock.org.uk/contact/> or phone 01634 247350 text 07824 113848

1. Do you have any convictions or adult cautions that are unspent? Yes / No
If yes, please provide details here
2. Do you have any other cautions or convictions that would not be filtered? Yes / No
If yes, please provide details here

<p>3. <b>*Only ask if you are recruiting for a post working in regulated activity with children (delete if not)</b> Are you included on the DBS children’s barred list? Yes / No</p>
<p>If yes, please provide details here</p>
<p>4. <b>Teaching posts only</b> Are you, or have you ever been, prohibited from teaching by the TRA or sanctioned by the GTCE? Yes / No / Not applicable</p>
<p>If yes, please provide details here</p>
<p>5. <b>Leadership posts only</b> Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable</p>
<p>If yes, please provide details here</p>
<p>6. Have you lived or worked outside the UK for more than 6 months in the last 5 years? Yes / No</p>
<p>If yes, please provide details here</p>
<p>7. Are you subject to any sanctions relating to work with children in any country outside the UK? Yes / No</p>
<p>If yes, please provide details here</p>
<p>8. <b>Applicants for posts in early years or later years childcare (wrap around care) or directly managing those posts (admin/recruiting mgr - delete question before sending form if not applicable, for further information on who is covered please refer to the Self Disclosure Guidance document)</b></p> <p>The Disqualification under the Childcare Act 2006 Regulations (2018) state that anyone employed to care for children in early years (children under the age of 5) or later years (wrap-around care for children under the age of 8) is disqualified from that work if they meet certain criteria. These criteria include (this is not an exhaustive list):</p> <ul style="list-style-type: none"> <li>● Certain serious criminal offences</li> <li>● Court orders relating to the care of your own child</li> <li>● Being prohibited from private fostering</li> </ul>

Do you have any reason to believe you are disqualified from working in childcare or managing those working in childcare? Yes / No

If yes, please contact us for more information on the Regulations.

**Please complete the declaration below:**

I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role.

**Signed:**

**Date:**

**Please return this form prior to interview in a sealed envelope by following the instructions in the invite to interview letter.**

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed 6 months from the date of interview.