# Advisory Notes

Information obtained through the recruitment and selection stage is designed to prevent unsuitable people from gaining access to vulnerable groups, while at the same time respecting human rights and privacy issues and complying with the requirements of the Data Protection Act.

The position you are applying for is subject to DBS Clearance and involves working with children and / or vulnerable adults. The position is exempt under the Rehabilitation of Offenders Act 1974; therefore, we are entitled to seek information about both spent (old) and unspent (current) convictions. You are therefore required to declare within your application any prosecutions, convictions, cautions, reprimands, warnings or bind-overs.

Failure to disclose a conviction, caution, reprimand, warning or bind-over may result in dismissal or disciplinary action.

By completing and signing the Self Declaration and Consent form, you are agreeing to have provided complete and accurate information and also give your consent for the information provided to be verified by obtaining a criminal record check.

Once a provisional offer of employment has been made, Waterloo Primary Academy may need to request a criminal record check. We are responsible for ensuring that criminal record application forms are completed correctly to avoid any unnecessary delays in processing.

Further guidance and tips on completing the application forms can be found on the Home Office website at: https://www.gov.uk/government/collections/dbs-checking-service-guidance--2

All information you provide will be treated in the strictest of confidence.

# Handling of DBS Certificate Information

## General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Zest Academy Trust complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information should be kept 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.

Handling

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

*To note: those registered care homes which are inspected by the Care Quality Commission (CQC), those organisations which are inspected by Ofsted and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW ) may retain the certificate until the next inspection. Once the inspection has taken place the certificate should be destroyed in accordance with the Code of Practice.*

Usage

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

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is 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 certificate 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 the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Policy Statement on Recruitment of Ex-offenders

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants’ suitability for positions of trust, Waterloo Primary Academy complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Waterloo Primary Academy is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents’, age, physical/mental disability or offending background.

We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.

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.

A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check 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 Waterloo Primary Academy 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 Waterloo Primary Academy to ask questions about your entire criminal record, we only ask about ‘unspent’ convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in Waterloo Primary Academy 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.

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.

We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.

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