



# **Disclosure Policy**

## **Aim**

Learn@ MAT is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Exceptions Order to the Rehabilitation of Offenders Act (1975).

However, this duty must be carried out with due regard to all other relevant legislation including the Protection of Freedoms Act (2012), the Rehabilitation of Offenders Act (1974), the Data Protection Act (2018), the DBS Code of Conduct and the Human Rights Act (1998).

This policy will apply to those seeking paid work or volunteering opportunities with the Trust. In addition, certain types of voluntary or seasonal work, permitted drivers, Members, Trustees, Academy Councillors, preferred contractors and other regulated positions will also come under the provisions of the policy, particularly where they involve unsupervised contact with children or adults.

## **Disclosure & Barring Service (DBS)**

The Safeguarding Vulnerable Groups Act (2006) sets a legal duty for the Trust to refer information to the DBS if the Trust were to dismiss or remove an employee/volunteer from working with children and/ or adults (in what is legally defined as regulated activity) because they meet the referral criteria.

The Trust has a duty to refer information to the DBS as a Regulated Activity Provider.

## **Employee's Responsibilities**

- Employees continued employment in their post is subject to an initial satisfactory enhanced DBS check and satisfactory completion of requesting an update on an employee's certificate on an annual basis or whenever there may be concerns about an employee.
- Employees are required, under the Trust's Code of Conduct for Employees to inform their manager immediately if they are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution.

## **Trade union representative's role**

- To support and advise members.
- To raise issues with the manager with a view to resolving them informally and at local level.
- To seek a resolution at a local level to avoid escalation into a more serious matter.

## **Manager's responsibilities**

In this context 'Manager' is the Headteacher in an Academy and the Chief Executive Officer for the Central Team.

- Managers are responsible for the application of this policy.
- When recruiting, managers should begin the process by looking to see if the role falls under the definition of 'regulated activity' and therefore requires an 'Enhanced Check for Regulated Activity'.
- When posts require an enhanced DBS check managers should complete a risk assessment, if, for operational reasons, they allow someone to work before the enhanced

DBS disclosure is returned. This must be authorised by the relevant academies Headteacher or the Chief Executive Officer.

- When using an agency worker, a manager should ask to see written confirmation from the agency or a copy of the DBS check, to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the Children's and/or Adult's barred list.
- The manager is responsible for the application of this policy in their work area.

The agency is legally the employer of any agency worker and the responsibility to obtain a relevant DBS check or an Enhanced check for Regulated Activity rests with them.

## **Process**

- 1 The Trust has a rolling programme of disclosure checks in accordance with this policy. Update checks will usually be carried out annually in conjunction with the Disclosure Service.
- 2 The enhanced DBS check searches the applicant's details against criminal records and other sources, including the Police National Computer. The check may disclose convictions, cautions, reprimands and warnings. The applicant and the employer will see the results of the search.
- 3 The DBS check will either confirm that the applicant does not have a criminal record, or it will disclose any relevant convictions, cautions, reprimands, warnings and, if applicable, whether the applicant has been barred from working with children and/or vulnerable adults. The police can also include non-conviction information, which may be relevant. An enhanced DBS check uses a range of different information sources, including the records of the Police National Computer (PNC) and other data sources.
- 4 The Trust will obtain an enhanced DBS check for every employee or volunteer who is involved in regulated activity working with children or vulnerable adults. The same principle is also applied to agency workers and contractors/sub-contractors.

## **Complaints**

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.

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