

# Disclosure of Criminal Records Policy

## General principles

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of tutors for positions of trust, Fleet Education Services 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.

## Charges

Tutors are charged the full enhanced disclosure fee for processing a new DBS application.

## Storage and access

Disclosure information is stored securely as an electronic copy on a tutor's file on our internal database.

## 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 recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## Usage

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

## Retention

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is necessary. This is generally for a period of up to three years, to allow for the consideration and resolution of any disputes or complaints. We will give full consideration to the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

## Disposal

Once the retention period has lapsed, we will ensure that any disclosure information is immediately & suitably destroyed by secure means. Whilst awaiting destruction, disclosure information is kept in on a secure digital system.

## Acceptable disclosure documentation for tutors working with Fleet Education Services

Fleet Education Services accepts the following combinations of DBS disclosure documents for tutors undertaking regulated activity:

- An enhanced DBS disclosure check registered on the Update Service
- An overseas criminal clearance if relevant.

OR

- An enhanced DBS disclosure processed through Teaching Personnel\*, dated within 12 months.

Annual status checks are conducted for all tutors registered with the Update Service; those not registered with the Update Service will be required to

- undertake an annual enhanced DBS check.

Or undertake a new DBS check if;

- there is a break in service of 12 weeks or more,
- there are concerns raised about an individual's suitability to work with children.

## Disqualification from working in childcare

The Department for Education (DfE) regularly updates its statutory guidance 'Keeping Children Safe in Education'. All those working with children should read and understand part one of the document, which can be found on this link:

<https://www.gov.uk/government/publications/keeping-children-safein-education--2>

This requires schools and agencies which provide care for pupils under the age of eight, to ensure that staff and volunteers working in these settings are not disqualified from doing

**Policy reviewed by Dave Burchett, Managing Director**

**Reviewed -17th August 2023**

**Next review: 31<sup>st</sup> August 2024**

so under the Childcare (Disqualification) Regulations 2018. Reference:  
<http://www.legislation.gov.uk/uksi/2018/794/contents/made>

A person may be disqualified through;

1. Having certain orders or other restrictions placed upon them
2. Having committed certain offences

All tutors are required to sign a declaration form confirming that they are not disqualified under those regulations from working in any school or nursery.

A disqualified person is not permitted to continue to work in a setting providing care for children under the age of eight unless they apply for and are granted a waiver from Ofsted.

Reference: <https://www.gov.uk/government/publications/applying-to-waive-disqualification-earlyyears-and-childcare-providers>

Policy review

Fleet Education Services will keep this policy under annual review and/or if there have been any relevant legislative changes.

\*Fleet Education Services and Teaching Personnel are part of the Supporting Education Group.