



**ALDENHAM FOUNDATION**

**Recruitment of Ex-Offenders and  
Security of Disclosure  
Information Policy**

**September 2019  
by KM**

## **Policy on the Recruitment of Ex-Offenders and Security of Disclosure Information**

The Aldenham Foundation is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

### **Introduction**

This notice explains what personal data we will hold about you, how we collect it, and how we will use and may share information about you during the application process. It applies to all individuals applying for a position at the Foundation, including positions as a member of staff (full time or part time), contractors, workers, governors, volunteers and peripatetic staff. We are required to notify you of this information, under data protection legislation. Please ensure that you read this notice (sometimes referred to as a 'privacy notice') and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

### **Data Protection Manager**

We have appointed Karl Mahon, the Bursar as the Foundation's Data Protection Manager (DPM) to oversee compliance with this Privacy Notice. If you have any questions about this Privacy Notice or how we handle your personal information, please contact the DPM. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

### **Who collects the information?**

The Aldenham Foundation is a 'data controller' and gathers and uses certain information about you.

### **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our Staff Privacy Notice.

### **The Requirement for Disclosure and Barring Service (DBS) checks by The Foundation**

The Aldenham Foundation is registered with Atlantic Data for the purposes of obtaining access to criminal record checks for employment and voluntary appointments, known as DBS check. It is of fundamental importance to The Foundation to ensure so far as possible that those who take up appointments do not pose a risk to the children in its care. It is therefore important for The Foundation to apply for and review the past criminal records of any successful applicants for positions, as a condition of a formal offer of appointment. The Foundation also considers it essential that the confidential and personal Disclosure information from the DBS is used fairly and sensibly in order to avoid unfair discrimination against applicants for appointments within the Foundation. Candidates are selected for interview based on their skills, qualifications and experience. The Foundation is fully committed to the active promotion of equality of opportunity for all with the right mix of talent, skills and potential.

### **Reason for Requiring Disclosure**

The Governors have carried out a risk assessment and concluded that the requirement for Disclosure is both proportionate and relevant to all positions in The Foundation. Recruitment documentation will contain a statement that a Disclosure will be requested in the event of the

individual being offered the position, and this is restated at job interviews.

## **Types of Disclosure**

There are two types of Disclosure that may be requested depending on the nature of the position:

- Standard Disclosure – for positions that involve regular contact with those aged under 18 years or people of all ages who may be vulnerable for other reasons and for occupations which involve positions of trust.  
The Disclosure will contain details of all convictions on record including current and spent convictions (including those which are defined as “spent” under the Rehabilitation of Offenders Act), details of any cautions, reprimands or warnings held on the police national computer.
- Enhanced Disclosure – for positions involving greater contact with children or vulnerable adults, including regularly caring for, training, teaching, supervising or being in sole charge of such people.

In addition to the information above for Standard Disclosure, the Enhanced Disclosure may also contain information that is held locally by the police.

## **Application Procedure**

Applicants will be required to provide proof of their identity to the Foundation, including a birth certificate, one item of photographic evidence (such as a passport), plus at least one item of address-related evidence (such as a utility bill). Where an applicant has changed his/her name by deed poll or for other reasons (e.g. marriage, adoption) the Foundation will require evidence of this change of name.

The DBS Application Form will be completed online with the HR Manager / Officer.

As a Disclosure is part of the recruitment process, any job offer will be subject to a satisfactory response to the Disclosure enquiry. We encourage all Applicants called for interview to provide details of their criminal record at an early stage in the application process. This information may be sent under separate, confidential cover to the HR Manager and will only be seen by those who need to see it as part of the recruitment process.

## **Consideration of Disclosure Information by the Foundation**

On receipt of criminal record information from an applicant or Disclosure from the DBS, the Foundation shall consider the following:

- Whether the conviction or other information disclosed is relevant to the position in question.
- The seriousness of the offence or other matter revealed.
- The length of time since the offence or other matter occurred.
- Whether the applicant has a pattern of offending behaviour or other relevant matters.
- Whether the applicant’s circumstances have changed since the offending behaviour or the other relevant matters.
- The circumstance surrounding the offence and the explanation(s) offered by the applicant.

We ensure that those in The Foundation who are involved in the recruitment decision taking

process have access to guidance in identifying and assessing the relevance and circumstances of offences, together with guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

### **Disclosure and Barring Service Code of Practice**

The Foundation agrees to comply with the provisions of the DBS Code of Practice, a copy of which can be found on the DBS website.

### **Security of Disclosure Information**

Given the confidential nature of the Disclosure information, the Foundation will ensure that it is stored securely. Documents will be locked away separately from personal files, with restricted access limited to members of staff involved in the recruitment functions. Once a recruitment decision has been made, the Foundation will not retain the Disclosure information for any longer than necessary, which shall normally be less than 6 months. All disclosure information will be destroyed by secure methods (such as shredding or burning). For further details, please refer to the School's "Security Policy for Handling Disclosure Information".

### **Consequences of Failure to Reveal Information**

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment, or the termination of the employment if it has commenced.

### **Disqualification by Association**

From October 2014, the Department of Education (DfE) required all schools which provide out of school care for pupils under the age of 8 or teach in Early Years provision, to ensure that staff and volunteers working in these settings are not disqualified from doing so under the Childcare (Disqualification) Regulations 2009. As part of the offer of employment, all person working within the EYFS provision, will be required to complete a Declaration before they start. If you are disqualified by association, you will be required to apply for a waiver from OFSTED before you commence employment.

## **Security Policy for Handling Disclosure Information Received From the Disclosure and Barring Service**

### **Security of Access**

In accordance with s.124 of the Police Act 1997, Disclosure Information will only be accessed by those authorised to receive it in the course of their duties. The subject of the Disclosure information will, on request, be given details of the names of those who have access to it.

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 applicant's full consent has been given.

### **Storage**

All recipients of Disclosure information will store all confidential documents issued by the DBS in secure conditions. Documents will be locked in non-portable storage containers.

Keys for such storage units will be restricted to those named individuals who have access to the Disclosure information and who are engaged in the recruitment.

### **Retention of Disclosure Information**

Once a recruitment decision has been made, the Foundation will not retain the Disclosure information or any associated correspondence for any longer than is necessary. In general, this will not exceed 6 months from the later of the date of the formal offer of appointment being made to the applicant, or the date of the Disclosure application.

Any information divulged on a disclosure will be entered onto a risk assessment which will be signed by the Headmaster and the member of staff employed. This will then be filed on their HR file. This risk assessment will be retained on file as long as the member of staff is employed.

In the event of any dispute with the applicant over the content of the Disclosure information, the documents may need to be retained for a longer period, but in general this should not be longer than 6 months after resolution of the dispute.

If, in exceptional circumstances, it is considered necessary to retain Disclosure information for a longer period, the DBS will be consulted by the Foundation for their agreement to this.

### **Destruction of Disclosure Information**

The Foundation will destroy Disclosure information by suitably secure means, such as shredding, pulping or burning. The Disclosure information will not be stored in any insecure receptacle whilst awaiting destruction (such as a waste bin or waste sack).

The Foundation will not retain any photocopies or other notes of the Disclosure information, save for:

- Retaining details of the date of a Disclosure;
- The name of the subject;
- The position in question;
- The unique number issued by the DBS to the Disclosure; and
- The recruitment decision that was taken.

**Missing Disclosure Information**

If Disclosure information is lost, The Foundation will inform the DBS and the subject of the information as soon as possible.