**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**Explanatory note to applicants – DBS check – Schools**

**1. Introduction**

* 1. The position for which you are applying has been determined by the council as exempt from the Rehabilitation of Offenders Act 1974 & Exceptions Order 1975, as amended by the 2013 and 2020 Order in line with guidance from the Disclosure and Barring Service (DBS). Then, you are required to declare any convictions cautions, reprimands, warnings and bind overs that are not protected, i.e., those which have not been filtered. The information you give will be treated in confidence and will only be taken into account in relation to an application where the exemption applies.

**2. Factors to be considered**

2.1 The disclosure of a criminal record will not debar you from appointment unless the selection panel, having considered carefully the following factors, determine that the conviction renders you unsuitable for appointment.

2.2 The factors to be taken into account are:

* The responsibilities of the position
* The nature of the offence(s)
* The number and pattern of offences (if there is more than one)
* How long ago the offence(s) occurred
* The age of the offender when the offence(s) occurred.
* Whether or not there have been subsequent offences
* The applicants’ circumstances when the offences were committed and their circumstances now.
* The relevance of the conviction to the job applied for.

**3. Access to records of criminal convictions**

3.1 In the event of an offer of employment it is a requirement that a DBS check is undertaken. (The DBS is an executive arm of the Home Office which carries out criminal conviction checks for employers). Information on the Bureau can be accessed on the internet at: <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/about-us1/> . **If you do not give your permission, it will not be possible to consider your application further.**

3.2 As part of its checking procedure the DBS will also check registers of persons found to be unsuitable to work with vulnerable people, which are maintained by the Department of Health and the Department for Education.

3.3 You will be sent the results of your check by the DBS.

3.4 If the DBS check reveals a conviction, caution, reprimand, warning or bind over which you had failed to declare, this may disqualify you from appointment, or result in summary dismissal if the discrepancy comes to light after appointment.

3.5 DBS information will be kept in strict confidence and in accordance with the council’s DBS Secure Storage, Handling, Use, Retention and Disposal of Disclosures Policy.

**4. Further Advice**

4.1 You may wish to refer to advice published by NACRO on [disclosing criminal records](https://www.nacro.org.uk/resettlement-advice-service/support-for-individuals/disclosing-criminal-records/disclosing-criminal-records-employers/) or [guidance on DBS filtering](https://3bx16p38bchl32s0e12di03h-wpengine.netdna-ssl.com/wp-content/uploads/2016/05/Practical-guidance-on-DBS-filtering_2016.pdf)

4.2 The council’s policy on the employment of ex-offenders is available on the council’s website.

4.3 All applicants for a DBS check should refer to the DBS Code of Practice DBS code of practice - GOV.UK (www.gov.uk)