

Disclosure and Barring Service (DBS) and Criminal Record Check Policy

1. Purpose and Scope

This Disclosure and Barring Service (DBS) and Criminal Record Check Policy ("DBS Policy") sets out the requirements and procedures adopted by The Tutors' Association ("TTA") in respect of Disclosure and Barring Service (DBS) checks and equivalent criminal record checks for the purposes of safeguarding children, young people and vulnerable adults.

This DBS Policy applies to all:

- Individual Members, meaning individuals who have registered as members of TTA and agree to comply with TTA's Terms and Conditions of Membership, including its Code of Practice, as amended from time to time.
- Corporate Members, meaning corporate entities who have registered as members of TTA and agree to comply with TTA's Terms and Conditions of Membership, including its Code of Practice, as amended from time to time.
- Relevant Connected Individuals, meaning any individual employed or contracted by a Corporate Member or intended to be introduced to clients by the Corporate Member for the provision of educational services to children, young people or vulnerable adults.

Individual Members, Corporate Members and Relevant Connected Individuals are required to obtain an Enhanced DBS with barred lists check (or equivalent) pertaining to the correct workforce which they teach (child and/or vulnerable adults).

This DBS Policy incorporates the use of the Tutor-Check System, the digital systems created and maintained by TTA for the purposes of verifying that members comply with this DBS Policy. The Tutor-Check System can be accessed at: <https://www.tutor-check.co.uk/>.

This DBS Policy should be read in conjunction with TTA's Privacy Notice, which explains how we collect, store, and process personal data, including DBS Data, in compliance with the UK GDPR and Data Protection Act 2018.

2. General Policy Statement

TTA is committed to promoting the highest standards of safeguarding in education. It is a condition of membership that:

- All Individual Members and Relevant Connected Individuals must hold:
 - A current Enhanced DBS Certificate with Barred Lists check issued within the last 12 months, or
 - Be registered with the DBS Update Service, or
 - Hold an accepted equivalent police and criminal record check, as outlined below.

The only exceptions to TTA's DBS Policy are those members (Corporate or Individual) who are ineligible by law for an Enhanced DBS Check (or equivalent) owing to the fact that they do not work with children/young people or vulnerable adults. Such individuals will be required to attest to this fact to TTA representatives, obtain a Basic DBS Check if eligible to do so and shall commit to not teaching children or vulnerable adults without first obtaining an Enhanced DBS in accordance with this Policy.

The Tutor-Check System is used to support compliance with this requirement by enabling the verification and monitoring of DBS Data.

3. Accepted Equivalent Checks

In addition to standard DBS Certificates issued in England and Wales, TTA recognises the following equivalents:

- Scotland: *Protecting Vulnerable Groups (PVG) Scheme* membership issued by Disclosure Scotland.
- Northern Ireland: *Enhanced Disclosure Certificates* issued by AccessNI.
- International Applicants: An official *criminal record check* or *certificate of good conduct* from the individual's country of residence (or country in which they have resided), issued within the last 12 months. International members should contact TTA to discuss what alternative documentation they are able to provide.

TTA reserves the right to assess the adequacy and acceptability of any international/equivalent check provided. Equivalent checks and their associated information may also be recorded on the Tutor-Check System where appropriate.

4. DBS Update Service

Where an Individual Member or Relevant Connected Individual is registered with the DBS Update Service, it is not necessary to obtain a new DBS Certificate annually. TTA will conduct regular automated checks via the Update Service to monitor for any changes in status or new relevant information, using the Tutor-Check System. Automated checks will typically run at least once per day but may be more or less frequent than this.

Where an individual is not registered with the DBS Update Service, a new DBS or equivalent certificate must be obtained and submitted every 12 months.

Please note: individuals can only sign up to the DBS Update Service in the short period immediately following the issue of a new DBS Certificate.

5. Use of the Tutor-Check System

The Tutor-Check System is the core platform used by TTA to administer, record, and monitor compliance with this DBS Policy. It includes the following functionality:

- Allows Individual Members to register, including securely importing their DBS Data from TTA's existing membership software.
- Allows Corporate Members to import Relevant Connected Individuals for whom they have obtained consent to hold and share DBS Data for the purposes of complying with this DBS Policy.
- Allows Corporate Members to request that an existing user on the Tutor-Check System grant their consent for the Corporate Member to be linked to them and view their DBS Data. This consent remains in place until terminated by either party.

Consent to process DBS Data, and the legal basis for doing so, is set out in TTA's Privacy Notice.

6. DBS Data and Retention

"DBS Data" means the DBS Certificate Number, DBS Issue Date, Date of Birth for the applicable individual, Surname of the applicable individual, and any information contained on the DBS Certificate.

- DBS Data is retained for as long as:
 - An Individual Member maintains their membership with TTA, or
 - A Relevant Connected Individual remains associated with a Corporate Member.
- DBS Data is stored digitally in secure systems, including the Tutor-Check System, protected by industry-standard legal, technical, and contractual safeguards to prevent unauthorised access.

TTA's data retention practices and safeguards for special category data, including DBS Data, are further detailed in the Privacy Notice.

It is recognised that this retention period exceeds that typically applied in single recruitment processes, reflecting the ongoing requirement for members to remain compliant with TTA's safeguarding standards and that there is no single decision point related to the DBS Policy but a requirement for individuals to maintain compliance with the policy for the duration of their membership.

7. Access and Consent for DBS Data

TTA will:

- Only access or process DBS Data where necessary to ensure compliance with this DBS Policy.
- Require Individual Members and Relevant Connected Individuals to give explicit consent for their DBS Data to be held and processed.
- Allow Corporate Members to process DBS Data of Relevant Connected Individuals only where consent has been obtained.

- Not share DBS Data with third parties without consent, unless legally required to do so.

Consent to hold and process DBS Data is collected through the Tutor-Check System and is auditable for compliance purposes.

The Tutor-Check System stores and processes DBS Data for the purposes of allowing the general public to search for, and view, whether we know an individual complies with this DBS Policy or whether they do not/are not known to comply.

TTA members and relevant individuals may exercise their data subject rights under UK GDPR, including access, rectification, restriction, and objection, as outlined in TTA's Privacy Notice.

8. Responsibilities of Members

All Individual and Corporate Members are responsible for ensuring the accuracy and validity of DBS Data submitted to TTA.

- Individual Members must:
 - Submit new certificates as required or maintain active DBS Update Service registration.
 - Ensure their details on the Tutor-Check System are accurate and up to date.
- Corporate Members must:
 - Ensure all Relevant Connected Individuals have valid, acceptable certificates.
 - Obtain and record consent to process DBS Data.
 - Notify TTA promptly of changes to personnel or DBS status.
 - Terminate links with individuals (either Individual Members or Relevant Connected Individuals) when their association with them ceases.

9. Policy Review and Amendments

This DBS Policy will be reviewed annually, or sooner if required by legislative or procedural changes. TTA reserves the right to update this DBS Policy at any time and will notify members accordingly.

10. Relevant Legislation and Guidance

This DBS Policy is informed by:

- Data Protection Act 2018 and UK GDPR
- Rehabilitation of Offenders Act 1974 (Exceptions Order)
- Police Act 1997
- Safeguarding Vulnerable Groups Act 2006
- DBS Code of Practice
- Disclosure Scotland and AccessNI guidance
- UK Government guidance on DBS and criminal record checks, including:

- <https://www.gov.uk/government/publications/handling-of-dbs-certificate-information/handling-of-dbs-certificate-information>
- <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>
- https://assets.publishing.service.gov.uk/media/5b1fed9b40f0b634b73dbf06/12062018_Data_Retention_Policy_V7.pdf

11. Contact

For queries about this DBS Policy or use of the Tutor-Check System, please contact:

Email: info@thetutorsassociation.org.uk