

## Disclosure and Barring Service (DBS) and Verification Checks of Staff and Students Policy and Procedure

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## 1. INTRODUCTION

It is the College's responsibility to ensure, as far as is reasonably practicable, the health and safety and welfare of its students, staff and any other persons who may be affected by its activities. In particular, the College will take all reasonable steps to prevent any possible risks of harm or abuse to children under 18 years of age or vulnerable adults.

The College operates a comprehensive vetting procedure for all staff that are appointed, in line with the College's Recruitment and Selection procedures, and regards safeguarding as a high priority. The Human Resources Department is responsible for maintaining accurate records of all staff checks.

### Supporting Appendices:

1. Risk Assessment Pending DBS Certificate

### Links to other policies:

- Single Equality Scheme
- College Safeguarding Policy
- Data Protection Policy
- College Procedures for the recruitment, selection and induction of staff
- Volunteer Policy
- Teaching & Learning Qualifications Policy

## 1. INTRODUCTION

The following outlines the College policy and procedures for disclosure, barring and verification procedures for staff and students in line with changing legal requirements and guidelines. The procedure links closely to the recruitment and selection procedures for staff which conforms to Safer Recruitment Practices.

- 2.1 The College mainly provides full time education for under 18 students ("children"). Through a risk assessment process the College has identified that, as a "specified place" under the definition of a "regulated activity" all staff, whether teaching or business support staff, have the opportunity for close or regular contact with children under 18 and therefore the College will undertake Enhanced Disclosure and Barring Service (DBS) checks for a Regulated Activity, with a check against the Children's Barred List, on All Staff.
- 2.2 Under the Disclosure and Barring Scheme revised regulations from September 2012 "regulated activity" in relation to children is defined as regularly working in an unsupervised capacity in teaching, training, instructing; or providing care for or supervising children; or providing advice or guidance on wellbeing, personal / health care or driving a vehicle for children. As primarily an under 18 Further Education institution, the College qualifies as a "regulated activity" on the basis of a "specified place" where staff have opportunity for contact with children on a regular basis.
- 2.3 New staff whose job role and activities involve dealing with vulnerable adults, such as Progression Support Assistants and the Safeguarding Team, will also be subject to a further check against the Adult Barred List.

## **2. STAFF VERIFICATION PROCEDURES**

The College ensures that the full range of checks are carried out so as to minimise the possibility of children and young people under 18, and vulnerable adults, suffering harm from those whom they consider to be in positions of trust. Recruitment and vetting checks are a key element in the work to ensure that these groups of learners are safeguarded and the risk of harm from those who are in contact with them in whatever capacity is minimised.

### **2.1. Staff Application Forms**

- 2.1.1.** In line with the College recruitment and selection procedures all staff (salaried and part time hourly paid) and volunteers must complete a staff application form prior to interview which requests declaration of all previous convictions, including bind-over orders or cautions, current or “spent” in line with the Rehabilitation of Offenders Act 1974, which will be taken into account, (although may not preclude employment), when making the final selection decision. Applicants are informed on the staff application form that “A DBS certificate will be required should the application be successful”. New appointees will be informed in advance of the requirement of an Enhanced DBS check for Regulated Activity and relevant payment, if appropriate.

### **2.2. Employee Checks**

- 2.2.1.** Two references, including one from the current/most recent employer, are taken up for all new employees. Any breaks in employment, evidenced on the staff application form, will be followed up. All written offers of employment will be “subject to the receipt of satisfactory references and DBS Clearance”. Further documents required for verification include List 99 checks, suitable proof of identity to verify the right to work in the UK and academic/professional qualifications in particular teaching qualifications. The Human Resources Department will be responsible for the processing of offer letters, all employee checks, monitoring and maintenance of an accurate Central Record.

### **2.3. Disclosure & Barring Service Checks**

- 2.3.1.** The Human Resources Department will be responsible for processing DBS checks for all new staff. All new staff will be informed at the time of offer that an Enhanced DBS check for Regulated Activity will be required. Prior to this all job descriptions and application forms also contain a statement that a DBS check will be required.

The Human Resources Department follows up Barred List checks and the “right to work in the UK” checks on all staff prior to commencement of employment; and processes offer letters to new staff so that other checks can be made to include the Enhanced DBS check, in line with the College Recruitment and Selection procedures. Any employees posing a risk of harm to children and adults that may be vulnerable, following either a Barred List check or Enhanced DBS check will be reported to the Safeguarding Team and the DBS.

## **3. RECRUITMENT OF EX-OFFENDERS**

- 3.1.** As an organisation using the DBS to assess candidates’ suitability for positions of trust, the College complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly. It undertakes not to discriminate unfairly against any subject of a DBS certificate on the basis of conviction or other information revealed.
- 3.2.** We will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age or offending background.
- 3.3.** The College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. All candidates are selected for interview based on their skills, qualifications and experience.
- 3.4.** All candidates called for interview are asked to provide details of their criminal record at an early stage in the application process. This information will initially only be seen by the HR department who will review, and risk assess the information provided. This information may be shared with the recruiting manager if appropriate. .
- 3.5.** Failure to reveal information on what is directly relevant to the position sought could lead to withdrawal of an offer of employment.

- 3.6. Having a criminal record is not necessarily a bar to working with the College. This will depend on the nature of the position and the circumstances and background of the offences. An open and measured discussion will take place with the candidate on the subject of any offences or other matter that might be relevant to the position.
- 3.7. If the applicant is offered an appointment, at this stage, a full risk assessment will be undertaken to determine the relevance of the criminal record to the post applied for.
- 3.8. Where the applicant is still under probation the College reserves the right, with the applicant's consent, to seek advice from a relevant probation officer about suitability for the post applied for.
- 3.9. The College also reserves the right to amend the offer of employment to allow for the outcome of the risk assessment to be implemented e.g., to temporarily amend the job description for the post so that the applicant may be given greater opportunity during their initial probationary period to demonstrate their suitability for the post.

Any subsequent decision to withdraw an offer of employment because of, or partly because of, a criminal record will relate to an aspect of the person/placement specification which is seen to be unmet. In cases such as these, the applicant will be advised of why the offer has been withdrawn.

#### 4. COLLEGE POLICY & PROCEDURE FOR DISCLOSURE & BARRING CHECKS

- 4.1. **ALL STAFF** (salaried or part time/hourly paid or voluntary/teaching or business support), including transfers and Governors, will be subject to an Enhanced DBS check for Regulated Activity with a check against the Children's Barred List. New staff will be required to provide an original valid Enhanced DBS certificate which is acceptable to the College or be required to complete a new application.
- 4.2. The College is also under an obligation to ensure that agency staff have DBS checks and externally contracted staff, who provide services for the College, have undergone the necessary safeguarding checks to assess their suitability for their posts and that the checks are satisfactory.
- 4.3. New staff (\*with the exception of staff who are in direct, regular contact with the Care Industry or staff providing health and personal care to vulnerable groups) who have already obtained an Enhanced DBS Certificate via another Employer within the preceding 12 months, may submit their previous original certificate for verification to the Human Resources Department. Certificates that have been issued within 12 months will be acceptable to the College if they meet our criteria of enhanced and cover the appropriate workforce for the role. However, the College reserves the right to request employees to re-apply for an Enhanced DBS check for any reason, where there are concerns about suitability to work with children, either upon appointment or at any other time during employment. Where new staff have 3 or more months gap in employment, they will be required to complete a new application for an Enhanced DBS check, together with a check against the appropriate barred list.
- 4.4. Upon confirmation that the original certificate is valid the DBS certificate number will be recorded on the Human Resources database which will be maintained as a Central Record
- 4.5. DBS Certificates which are over 12 months old will not be accepted.
- 4.6. New staff who do not have a previous Enhanced DBS Certificate will need to complete a DBS Application Form for an Enhanced DBS check for Regulated Activity, and bring this, together with the relevant original documents for verification, to the Human Resources Department. Details of DBS requirements, together with the application form and guidance notes will be sent out to the employee with the offer letter.
- 4.7. Applicants for or holders of a DBS disclosure have the opportunity to subscribe to the DBS online update service through which they (and the college, with their permission) can obtain a status update at any time (for example, when transferring to a new role). An online status check allows organisations to check for information added since a disclosure certificate was last issued. In order to subscribe to the online update service applicants, need to subscribe at the point of application for a DBS check. There will be an annual cost to the DBS holder and can only be renewed for three years, however, we encourage individuals/ staff to sign up to the service.

## 5. VISITORS TO THE COLLEGE

5.1. All visitors are required to sign in and out at the main Reception and to display an appropriate visitors' ID badge at all times. All visitors should be escorted whilst on the premises by a member of staff. Anybody on site without a DBS clearance should be accompanied by a member of staff, until the relevant documents are verified.

5.2. Examples of people who are not required to have a DBS Certificate include:

- Visitors who have business with the College or who have brief contact with children with a member of staff present, e.g. external auditors, interview candidates.
- Visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on college premises.
- Volunteers who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one-off events e.g. College open day etc.
- People who are on site before or after normal College hours and when children are not present, e.g., local groups who hire premises for community or leisure activities.
- Visitors and parents who are customers of the College.

## 6. COST OF DISCLOSURE & BARRING CHECK

6.1. All staff should have an Enhanced DBS check and new employees are liable for the cost of the Enhanced DBS check, **with the exception of the following categories**, where the College will fund the cost. Any further exceptions on payment of DBS checks will be at the discretion of the Principal.

- Volunteers
- Governors

### 6.2. Volunteers

All Volunteers will be required to undertake an enhanced DBS check, along with all pre employment checks required of all College Staff. There is no charge for the DBS check for volunteers. All volunteers will undertake relevant training (including safeguarding) to assist them in their role and this will be discussed during induction.

## 7. RISK ASSESSMENTS

7.1. Through a risk assessment process, in line with legal guidelines, the College is designated a "specified" place" as a Regulated Activity (providing mainly education for full time "children") and therefore requires all staff to have an Enhanced DBS check for Regulated Activity against the Children's Barred List

7.2. The Human Resources Department is responsible for the DBS application process, monitoring and recording procedures for all staff. It is the College policy that a children's barred list check and the "right to work in the UK" check is made on all staff before the appointment date. In exceptional circumstances, where receipt of an Enhanced DBS check from the Disclosure and Barring Service is outstanding, a risk assessment will be completed in conjunction with the relevant Manager and procedures put in place for the new or transferred member of staff to operate in a supervised capacity until the Enhanced DBS Certificate is received. This will only be considered in urgent cases and when a DBS application is in progress and suitable references have been obtained.

7.3. If upon receipt of an Enhanced DBS Certificate, there are previous convictions listed, the Human Resources Department will assess the risk by completing a risk assessment and initially discussing the situation confidentially with the Line Manager in relation to the role performed by the employee. A decision will be reached between the Line Manager and the Human Resources Department whether to continue the employment of the employee, dependant on the severity and nature of the conviction and its relevance to the post

## **8. SECURITY OF DATA**

### **8.1. General principles**

The College complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and GDPR pertaining to the safe handling, use, storage, retention, and disposal of certificate information.

### **8.2. Storage and access**

DBS Certificates are not retained. The College will ensure that any copies of DBS certificates are destroyed by secure means, i.e. by shredding, within 3 days of receipt. DBS Certificate numbers are recorded on the HR Database and held on the Staff Central Record securely, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **8.3. Handling**

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The College maintains a record of all those to whom certificates, or certificate information has been revealed and the College recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **8.4. Usage**

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

### **8.5. Retention**

DBS Certificate numbers for current and previous employees will be retained for reasons of legitimate and public interest, demonstrating that the College has duly exercised its legal safeguarding duty, in full consideration to the Data Protection Act and Human Rights Act. The information will be held indefinitely, ensuring safe storage and strictly controlled access.

## **9. STUDENT VERIFICATION PROCEDURES**

- 9.1.** In most cases, students on work experience will not operate in an unsupervised capacity with children under 18 or with adults who may be vulnerable and therefore will not be required to have an Enhanced DBS check for Regulated Activity.

## **10. COURSES REQUIRING DISCLOSURE & BARRING SERVICE CHECKS**

- 10.1.** Students who will undertake teaching practice with children under the age of 18 and students who will be responsible for caring for, training, supervising or being in sole charge of children on a regular basis, as part of their course or who will have unsupervised access to children as part of the course, will need to obtain an Enhanced DBS check for Regulated Activity with a check against the barred lists before the start of the course. For example, teacher trainees, students on work experience/work placement in childcare or child related courses, who will be working with children or vulnerable groups in an unsupervised capacity.
- 10.2.** The Student Services Department will ensure relevant DBS checks are undertaken for students enrolled on specific courses, in line with the awarding body and work placement provider requirements. Children under 16 will not be eligible for DBS checks.
- 10.3.** Examples of courses requiring Enhanced DBS checks are, but are not limited to:
- Teacher Training

- Diploma in Children and Young Peoples Workforce
- NCFE Classroom Assistant

- 10.4.** Existing students may be required to obtain a DBS check at any time should there be grounds for concern about the person's suitability to work with children or if they have transferred to a course with significantly greater responsibility for children, providing they are 16 or over.
- 10.5.** Student Services staff, in conjunction with course tutors, should inform students of the DBS check requirements and procedures, including the cost. The Student Services Department, in conjunction with specific course tutors, will be responsible for the administration of DBS checks for students and therefore act as counter signatories, with the exception of Teacher Training Trainees where DBS checks will be administered via the relevant employer. The Student Services Manager and relevant Heads of Departments will be responsible for the monitoring and maintenance of DBS checks for students.

The College reserves the right to amend these procedures from time to time in line with Government guidelines.

**RISK ASSESSMENT PENDING DBS CERTIFICATE**

Name.....	Proposed Start Date.....
Position .....	Department.....

**To be completed by Line Manager**

1. During the course of their duties what contact will the employee have with under 18s and/or involvement in personal care or activities with vulnerable adults?
2. What is the frequency of this contact?
3. What IT Systems are required on the first day? Please state how you will supervise access of sensitive data prior to DBS clearance.
4. Outline the supervisory arrangements that are proposed in respect of this individual. The nature of the supervision should be specified and names of the staff undertaking the supervision should be clearly identified.  <i><u>Nature of Supervision</u></i>    <i><u>Name of Staff Providing Supervision</u></i>

Signed..... (Line Manager)  
Date.....



**To be completed by Human Resources Department**

I confirm that all of the necessary pre-employment checks (other than DBS which has been applied for but not received) prescribed by the guidance in "Safeguarding Children and Safer Recruitment in Education" have been completed (see below) and are satisfactory.

- Identity check
- Barred Check List
- Prohibition Check (teachers only)
- Right to work in the UK
- Qualifications
- References Processed
- Enhanced DBS check in progress

Signed..... Date.....

**Decision of Human Resources Director**

The individual **may/may not** commence employment pending receipt of the DBS disclosure check

Signed..... Date.....

**Decision of Vice Principal, Curriculum & Quality**

The individual **may/may not** commence employment pending receipt of the DBS disclosure check

Signed..... Date.....

**To be completed by Human Resources when the DBS is received:**

**Disclosure number**.....

**Disclosure date**.....

**Disclosures Recorded** Yes/No (if yes a further risk assessment must be conducted)