



Disclosure and Barring Service (DBS) and Pre-Employment Checks Policy

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1. POLICY STATEMENT

- 1.1 The College is committed to safeguarding the welfare of both staff and students and recognises the importance of pre-employment disclosure checks in accordance with legislation and Department for Education Statutory Guidance.

2. PURPOSE AND SCOPE

- 2.1 This policy will apply to those seeking paid work, volunteers, agency workers, consultants, associates, governors, contractors and student undertaking placements which involves working with children and vulnerable people.

3. TYPES OF DBS DISCLOSURE AND BARRED LIST CHECKS

- 3.1 There are three levels of Disclosure:
1. Standard
 2. Enhanced (excluding the barred list check)
 3. Enhanced (including the barred list check for roles that carry out Regulated Activity).

The College operates solely on the 3rd level of Disclosure, being 'Enhanced (including the barred list check for roles that carry out Regulated Activity)'. All staff/volunteers are required to undertake an Enhanced DBS (3rd level) check if the work falls within the definition of Regulated Activity. The full, legal definition of Regulated Activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended. Students attending work placements are required to undertake a standard DBS check.

Students who are required to undertake work placements in regulated activity (such as in nurseries, primary schools and as registered child-minders) are required to complete an Enhanced DBS (level 3) check. The College will arrange for the DBS to be checked via a 3rd party service.

- 3.2 As part of the check, the College may carry out an external ID validation of the applicant, if an applicant is unable to provide the required ID.

4. DBS CHECKING AND UPDATE SERVICE

- 4.1 The HR Services Team will commence the administration of the DBS check for all the above groups, except for students, before starting with the College. For students, checks will be carried out before they start their work placement, via the Essex County Council Service.
- 4.2 If the applicant has registered for the DBS Update service, the College may use it to carry out a DBS check. It is the responsibility for the applicant to register and pay a yearly subscription fee for the DBS update service.

5. FREQUENCY OF DBS CHECKS

- 5.1 The College will commence the process of carrying out an Enhanced DBS (3rd level) check before employees commences work with the College and every 5 years thereafter.
- 5.2 It is the responsibility of each member of staff to inform the Executive Director of HR Services if, at any time during their period of employment with the College, they receive a criminal record, caution, warning or a bind over, or if there are any changes to their existing DBS or clearance status, including police investigations, which may make the continuation of their present job unsuitable.

6. DBS PROCESS

- 6.1** All successful applicants will be issued with a conditional offer letter, DBS application form and instructions on what information they need to provide to HR Services, before they commence their employment, in order for all the necessary checks to be carried out, where possible, before starting work.

With respect to the DBS check, applicants are required to complete a DBS application form and contact HR Services to arrange an appointment for an ID check to be carried out.

HR Services will subsequently check the application form and ID, send and track the DBS application. The DBS certificate will be sent directly to the individual's home address. The applicant is required to promptly present the certificate to a DBS counter signatory in HR Services. The certificate number and the date of issue will be recorded onto the College Single Central Record and the HR System.

- 6.2** The DBS counter-signatory may temporarily retain the DBS certificate, which will be passed to the Executive Director of HR Services or a member of the Principalship, in order for consideration to be given on whether the convictions, cautions and/or information listed, affects the individuals continued employment.

Any decisions about whether or not the individual's employment is affected will be taken by a member of the Principalship.

The decision that is reached will be clearly documented and the applicant will be advised of the outcome of this decision. If the employment cannot be confirmed, the applicant will be notified that the offer of employment has been withdrawn as a result of their inability to meet pre-employment check standards.

- 6.3** In exceptional cases, where the College asks the employee to commence work without a DBS check having been completed, the employee's line manager will be required to complete a risk assessment detailing additional measures put in place to safeguard students and staff, signed and authorised by a member of the Principalship, before commencing work. This implementation of the additional measures put in place will be reviewed, until DBS clearance has been received.
- 6.4** For existing staff, if after the re-check, the Enhanced DBS (level 3) details of an offence that has not previously been disclosed to the College, this will be treated as potential gross misconduct and the Staff Disciplinary Policy will apply.

7. ARRANGEMENTS FOR DBS CHECKING INDIVIDUALS NOT EMPLOYED BY THE COLLEGE

- 7.1** Agency staff, independent contractors, associate workers (workers who invoice the College), volunteers and Governors will be required to either provide evidence of a recent Enhanced DBS (level 3) check or undertake completion of an Enhanced DBS (level 3) check upon appointment and re-appointment.

When an individual is employed through an agency, it is the agency's responsibility to supply evidence of an Enhanced DBS (level 3) check.

8. GENDER RECOGNITION CERTIFICATES

- 8.1** The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender recognition certificate has been issued, the person is legally considered to be of the acquired gender.

If the person is required to undergo a DBS check, they must enclose any previous names and/or gender to the DBS who have established a special application procedure / dedicated contact to maintain confidentiality (sensitive@dbs.sqi.gov.uk or telephone 0151 6761 452).

Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by Policy Authority. However, if, on receipt of the disclosure there are convictions under an individual's previous gender that are considered relevant to the post, then the individual's gender change would become evident through the provision of conviction information, which would show both names.

9. RECRUITMENT, PRE-EMPLOYMENT CHECKS AND PORTABILITY

- 9.1** All recruitment of staff will be in line with the College's Recruitment and Selection Policy, and recruitment literature (including job adverts and application forms) will contain a statement advising that an Enhanced DBS (3rd level) check will be required in the event of an individual being offered a position at the College.

- 9.2** The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 provides that certain spent convictions and cautions are 'protected'. These are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be obtained from HR Services.

- 9.3** The College will commence pre-employment checks for all staff and volunteers before the start of employment/volunteering with the College. Continued employment will be conditional upon the satisfactory clearance of these checks. The vetting process is in line with the guidance on Safer Recruitment.

- 9.4** If a previous employee returns within 3 months of leaving the College, then there is no requirement to undertake a new DBS, as long as the DBS we hold on file is less than 5 years old.

- 9.5** We will not employ someone to work within the College in regulated activity if they have been barred through the DBS Children and/or Adult Barred List. Similarly, if we receive an application from an individual barred from working with children and adults, they are breaking

the law if they work/volunteer or seek to work/volunteer with these groups and the College will report these individuals to the relevant Authorities.

- 9.6** The College will use an Enhanced DBS (3rd level) check as one part of a range of safeguarding tools for assessing the suitability of preferred candidates, volunteers, contractors and associates.

Checks of agency workers will be undertaken to the same level of rigor, by the hiring agency. Written notification will be provided by the agency that these checks have been undertaken and are satisfactory before the worker commences employment.

Safeguarding tools used to check the safeguarding risk to the students and staff include confirming their identity, right to work in the UK, evidence of obtaining relevant qualifications, medical clearance, satisfactory references, the examination of dates of employment history on application forms (to identify if there are any gaps in employment), Prohibition and Barred List checks (where applicable) and an on-line internet search.

- 9.7** Applicants who have worked or been resident overseas for longer than three months within the previous five years, including UK citizens who have worked or lived overseas, require a Statement of Good Conduct. Different countries have a different procedure for this, and details on how to apply can be found on <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

TRACKING and REFERENCE INFORMATION

Date Approved: 7.10.15, 6.12.18, 6.12.2022

Review Date: When required

Author/Responsibility: Executive Director of HR Services

Equality Impact Assessment: agreed

List of related policies, procedures and other documents:

Recruitment and Selection Policy
Safeguarding Policy
Staff Disciplinary Procedures
Guidelines for Managers: handling disciplinary issues
Equality & Diversity Policy
Equality & Diversity Scheme
Data Protection Policy

Complaints: If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.

Monitoring: The application of this policy and associated procedure will be monitored by HR Services

Easy reading: To receive this policy/procedure in a different format, please contact HR Services