

HARLOW COLLEGE

DISCLOSURE & BARRING SERVICE (DBS) 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 the following legislation and Department for Education Statutory Guidance:

- Safeguarding Vulnerable Groups Act (2006)
- Rehabilitation of Offenders Act 1974 (Exceptions) Order (1975) (as amended)
- Part II of the Criminal Justice and Court Services Act (2000)
- Protection of Children Act (1999)
- Education Act (2002)
- Keeping children safe in education (2015)
- Working together to safeguard children (2015)

2. PURPOSE AND SCOPE

2.1 This policy will apply to those seeking paid work or volunteering opportunities with the College. In addition, student placements, governors, contractors and other regulated positions will also come under the provisions of the policy, particularly where they involve unsupervised contact with children and vulnerable adults.

3. TYPES OF DBS DISCLOSURE AND BARRED LIST CHECKS

3.1 With the merging of CRB and ISA to form DBS there was a change in terminology which appears throughout this policy, these are:

Previous Term	New Term
Criminal Records Bureau (CRB) Independent Safeguarding Authority (ISA)	Disclosure & Barring Service (DBS)
Enhanced CRB check	Enhanced DBS check
Enhanced CRB check with Barred List Check	Enhanced check for Regulated Activity
Vulnerable Adults	Vulnerable Groups

3.2 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 individuals will be 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.

3.4 As part of the check, the College may be required to undertake an external ID validation of the applicant. This will only apply when the applicant is unable to provide the ID required for the purpose of a Route 1 check (as defined by the DBS).

The applicant must comply with Route 2 requirements as set out by the DBS, and the applicant will be additionally required to provide 5 documents confirming their address which must be validated by an external company. HR Services will be able to provide further information if required.

4. DBS UPDATE SERVICE

4.2 It is the responsibility for the applicant to register and pay a yearly subscription fee for the DBS update service. If the applicant has registered for this service the college may use it to carry out a check,

5. FREQUENCY OF DBS CHECKS

5.1 The College proposes to carry out periodical Enhanced DBS (3rd level) checks every 5 years for all existing staff.

5.2 It is the responsibility of each member of staff to inform 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 of any changes to their existing DBS or clearance status, including police investigations, which may make the continuation of their present post unsuitable.

6. RECRUITMENT & PORTABILITY

6.1 All recruitment 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.

6.2 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.

6.3 The College is not allowed to ask applicants to disclose vetting information at an early stage of the recruitment process in line with the Data Protection Law. Applicants will be subjected to comprehensive pre-employment vetting once a position is offered and has been accepted. The vetting process is in line with the guidance on Safer Recruitment.

6.4 All new employees will be required to complete an Enhanced DBS (3rd level) check. Portability of a DBS check may be considered, if, under the new Update Service they have been issued with a DBS that covers either the Child and/or Adult Workforce, dated after the 17th June 2013 and the date of issue is within 4 weeks of the commencement of employment with Harlow College.

If the applicant has joined the Update Service, with their permission, their current DBS certificate can be used by the College to carry out a free, online check to ascertain the validity of the disclosure.

6.5 If a previous employee returns within 3 months of leaving the College, then there is no requirement to undertake a new DBS.

6.6 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, the College would be breaking the law if we did. 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.

- 6.7** 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 agency workers. Other tools include thoroughly confirming identity, qualifications, taking up and verifying references and examining dates of employment history on application forms.
- 6.8** 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>.

7. DBS PROCESS

- 7.1** The successful applicant will be issued with an offer letter and the DBS application form and guidance notes.
The applicant must complete the application form and contact HR Services to arrange an appointment for an ID check. If they can provide an Enhanced DBS (level 3) certificate (see 6.4) then this needs to be notified to HR Services.
- 7.2** For any applicants who have already obtained an Enhanced DBS (level 3) check (see 6.4), they need to contact the counter-signatory to make an appointment for the disclosure to be checked.
- 7.3** From the 17th June 2013, the College no longer receives a copy of the DBS check therefore it will be the responsibility of HR Services to ensure that all applicants have arranged for the counter-signatory to see the disclosure.
- 7.4** On receipt of the Enhanced DBS (level 3) check the counter-signatory will review the information contained within it. If there is no cause for concern, HR Services will be notified and this will be placed on the employee's file.
- 7.5** If the disclosure contains details of offences the counter-signatory will contact a member of the Executive team for details of the relevance to the applicant's prospective role.
If there are matters disclosed which require clarification, a meeting will be arranged between the applicant and a member of the Executive team, or designated individual, to discuss the check and acknowledge any potential risks in proceeding with the employment. The aim of the meeting is to achieve a well-structured, well managed, open and honest discussion between parties.
- 7.6** 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 met with and notified that the offer of employment has been withdrawn as a result of their inability to meet pre-employment check standards.
- 7.7** For existing staff, if after the re-check the Enhanced DBS (level 3) returns with 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.

If the employee commences work before DBS clearance has been obtained the line manager for the employee will undertake a risk assessment, and ensure that the employee does not work unsupervised with students or vulnerable groups, and all other checks have been completed.

8. ARRANGEMENTS FOR CHECKING STAFF NOT EMPLOYED BY THE COLLEGE

8.1 Agency staff, independent contractors and associate workers (workers who invoice the College) will be required to either provide evidence of a recent Enhanced DBS (level 3) check (see 6.4) or undertake completion of an Enhanced DBS (level 3) check. When an individual is employed through an agency, it is the agency's responsibility to supply evidence of an Enhanced DBS (level 3) check and this should not be older than a year.

8.2 STUDENT DISCLOSURE

8.2.1 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 provide a DBS service for these students as there are few placement providers who will meet the cost or undertake the required administrative work. The same process as described in section 7 (DBS Process) will apply.

9. GENDER RECOGNITION CERTIFICATES

9.1 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.sgi.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.

TRACKING and REFERENCE INFORMATION

Date Approved: 14.10.2015

Review Date: When required

Author/Responsibility: Executive Director of HR Services

Equality Impact Assessment: TBC

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