

DBS and Safer Recruitment Policy		
<b>Lead:</b> Director of People Services		<b>Status:</b> Approved
<b>Version:</b> 2		<b>Date of Version:</b> September 2023
<b>Approving Body:</b> SLT		<b>Supersedes:</b> Version 1
<b>Approved on:</b> 8 October 2018		<b>Next Review date:</b> October 2028
Equality analysis tool <sup>1</sup>		
1.	Is the policy relevant to the public sector equality duty?	Yes
2.	Have any concerns previously been raised about this policy or practice?	No
3.	Is likely to result in discrimination against a protected group?	No
4.	Does this policy positively contribute to the participation of under-represented groups in the Group's activities?	No
Version Control		
Version	Date	Change(s)
2	September 2023	Updated in line with Keeping Children Safe in Education 2023
Access		
Location	Address/Link	
Sharepoint		
Service Centre		
Document Centre		
Communication		
Medium	Audience	
e.g. Team Briefing, Managers' Briefing, All-site Staff Meetings		

<sup>1</sup> The Screening Template relating to the DBS and Safer Recruitment Policy can be found on page 14 of this document.

## **DBS AND SAFER RECRUITMENT POLICY**

Review Cycle:	Every 5 years
Next Review Date:	October 2028
Person Responsible:	Director of People Services
Approving Body:	Senior Leadership Team

### **1. Introduction**

#### **1.1. Purpose**

The Group has a statutory duty in accordance with Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges to safeguard and promote the welfare of children (this includes everyone under the age of 18). The policy covers the DBS process for new and existing employees and the pre-employment and vetting procedures for new employees to ensure they are appointed safely.

#### **1.2. Scope**

This policy is relevant to all current and prospective employees of the Group as in the main the work is classified as 'Regulated Activity', which is defined as:

- working in a position which involves the provision of education, and regularly caring for, training, supervising or being in sole charge of children, young people under the age of 18 carried out by the same person frequently.
- Frequently is defined as:
  - once a week or more often, or
  - on 4 or more days in a 30-day period or
  - overnight

The scope of this policy also covers: Contractors, Support Workers, Agencies, Volunteers and Student Teachers. There are separate procedures for visitors.

This policy **must** be read in conjunction with Part 3 of Keeping Children Safe in Education: Statutory guidance for schools and colleges in addition to the policies outlined within section 12.

## 2. Single Central Record

- 2.1. The Group **must** maintain a Single Central Record of all recruitment and vetting checks undertaken for all employees. A similar record is maintained for governors, volunteers and all other external workers.

## 3. DBS Checks for prospective employees

- 3.1. There are different types of DBS checks that can be undertaken, however, most staff in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required. It is an offence for a barred person to work, apply to work or offer to work in regulated activity therefore candidates on the Children's Barred list will not be progressed through vetting and/or employed by the Group.
- 3.2. The DBS certificate **must** be obtained by the recruiting manager from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service.
- 3.3.
- 3.4. Once the check is complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original paper DBS certificate to the recruiting manager before they take up post, or as soon as practicable afterwards.
- 3.5. The recruiting manager is required to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process i.e on the application form. DBS guidance on how to check a DBS certificate can be found here [DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-to-check-a-db5-certificate)
- 3.6. Recruiting managers should assess cases fairly, on an individual basis. For consistency, advice from the relevant People Advisor should be sought and they should be included in any subsequent meeting with the applicant. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the manager can defend their decision, in line with our policy on the recruitment of ex-offenders.
- 3.7. When assessing any disclosure information on a DBS certificate, the recruiting manager should take into consideration the explanation from the applicant, including for example:
- the seriousness of any offence and relevance to the post applied for
  - how long ago the offence occurred
  - whether it was a one-off incident or a history of incidents
  - the circumstances around the incident, and
  - whether the individual accepted responsibility for their actions.
- 3.8. The recruiting manager should also consider the incident in the context of the Teachers' Standards and Teacher Misconduct Guidance if the applicant is applying for a teaching post.

- 3.9. Where the recruiting manager allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that **all** other checks are carried out (see section 4), including a separate children's barred list check; the receipt of 2 references that are satisfactory to them and record the decision by completing a DBS Risk Assessment Form.
- 3.10. Prospective employees who are in receipt of a gender recognition certificate, **must** disclose any previous names and/or gender directly to the DBS. Gender confidentiality will be maintained by the DBS via [sensitive@dbb.gov.uk](mailto:sensitive@dbb.gov.uk) except in circumstances where a conviction was received under the previous gender. In such circumstances the individual's gender change will become evident through the provision of conviction information on the DBS disclosure certificate showing both names.

#### **4. Adverse DBS Disclosures**

- 4.1. If a DBS check reveals details of convictions which may render the applicant unsuitable for the post the recruiting manager, with support from the relevant People Advisor, will discuss the situation with the applicant and consider the explanation they provide in line with 3.6 above.
- 4.2. A risk assessment will be completed (See appendix 1) and the applicant will be asked to verify the information provided and give permission for the risk assessment to be stored securely and destroyed in accordance with the Data Protection Policy.
- 4.3. When assessing any disclosure or declared conviction information, consideration will be given to a range of issues. Further advice may be sought prior to discussing it with the applicant. This may include appropriate discussion with the Local Area Designated Officer (LADO).
- 4.4. If a disclosure certificate contains information that was not revealed by the candidate or additional information from the Police is received, it will be necessary to hold a further discussion with the candidate and undertake a further review and risk assessment before deciding on any action to be taken.
- 4.5. If it is considered that an individual has made a false declaration of convictions, consideration will be given to the offer of employment being withdrawn or the appointment not being confirmed.
- 4.6. If checks reveal that a candidate is on the Children's Barred list for Regulated Activity, the College will make a referral to DBS to notify them of an individual's attempt to apply for barred work.

#### **5. Mandatory Pre-employment Checks for prospective employees**

- 5.1. Those applying to work for the Group will be required to provide suitable documents to verify their identity. When verifying a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further

identification checking guidelines can be found on the GOV.UK. [How to prove and verify someone's identity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/how-to-prove-and-verify-someone-s-identity)

- 5.2. Applicants **must** also prove they have the Right to Work in the UK, including EU nationals in accordance with Home Office Guidance. If there is uncertainty about whether an individual needs permission to work in the UK, then advice on the GOV.UK website [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/checking-a-job-applicant-s-right-to-work) **must** be followed.
- 5.3. All prospective employees will be checked against the Children's Barred List prior to undertaking any of the other pre-employment checks. If a person is included in the children's barred list, employment by the Group is prohibited, therefore the person's application cannot be progressed.
- 5.4. All prospective employees will be asked to provide the details of two referees during the recruitment process. The purpose of seeking references is to enable the recruiting manager to obtain factual information to support appointment decisions. Where possible managers should obtain references before interview as this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview. When processing references, the Group should:
- not accept open references e.g. to whom it may concern
  - not rely on applicants to obtain their reference
  - ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations)
  - obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed
  - secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer
  - always verify any information with the person who provided the reference
  - ensure electronic references originate from a legitimate source
  - contact referees to clarify content where information is vague or insufficient information is provided
  - compare the information on the application form with that in the reference and take up any discrepancies with the candidate
  - establish the reason for the candidate leaving their current or most recent post, and
  - ensure any concerns are resolved satisfactorily before appointment is confirmed.
- 5.5. All prospective employees who have lived or worked outside the UK for a continuous period of 3 months or more within the previous 5 years **must** undergo the same checks as all other staff. In addition, further checks **must** be made so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, the Group should apply the same approach for any individuals who have lived or worked outside the UK regardless of

whether or not it was in an EEA country or the rest of the world. These checks include, where available:

- criminal records checks for overseas applicants – Home Office guidance can be found on GOV.UK [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/criminal-records-checks-for-overseas-applicants); **and** for teaching positions
  - obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.
- Where available such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available the manager **must** undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.
  - Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, the manager should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.
  - Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. The manager should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK.
  - Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. It is important to note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

5.6. The Group **must** verify the prospective employee's mental and physical fitness to carry out their work via the Group's occupational health adviser to ensure they have the physical and mental capacity to undertake the specific role.

5.7. The Group **must** verify professional qualifications, as appropriate for each role.

5.8. Before employing a person to carry out teaching work in relation to children, the Group **must** undertake a check to establish whether that person is subject to a Prohibition order issued by the Secretary of State.

## 6. Re-checks for existing employees

6.1. The DBS certificates of existing employees will be re-checked under the following circumstances:

- Where a period of five-years has lapsed since the previous check.
- Where there has been a break in continuous service greater than 3 months.
- Where an employee, or other source of information, has disclosed that an employee is in receipt of a criminal conviction or police caution since the previous check, or if there are concerns about an existing member of staff's suitability to work with children or vulnerable adults. Under such circumstances, appropriate investigation **must** be undertaken.

6.2. All employees will be given the opportunity to sign up to the DBS update service. The update service is an online subscription that allows individuals to keep their standard or enhanced DBS certificate up to date and allows employers to check a certificate online. Signing up to the update service is not compulsory and the costs associated with this service **must** be met by the individual. Before using the Update Service, the Group:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check
- confirm the DBS certificate matches the individual's identity
- examine the original certificate to ensure that it is valid for employment with the children's workforce, and
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check with barred list information.

## 7. Checks relating to other parties

### 7.1. Governors

- Governors will be required to have an enhanced DBS check without a children's barred list check.
- An enhanced DBS check with children's barred list information should only be requested if the governor will be engaging in regulated activity relating to children.

### 7.2. Volunteers

- Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.
- An enhanced DBS check (including children's barred list information) **must** be undertaken for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis.
- It is not legally permitted to request barred list information on a supervised volunteer if they are not considered to be engaging in regulated activity.
- Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so a Volunteer Application Form **must** be completed. The applicant will be asked to identify areas in which they would like to volunteer. If the manager can match the applicant to a suitable role the following checks will be required:

- 2 references
  - OHU Health Assessment
  - Enhanced DBS (including barred list information if in regulated activity)
- In addition, a risk assessment should consider:
  - the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision
  - what the Group knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
  - whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability, and
  - Details of the risk assessment should be recorded.
- For a person to be considered supervised, the supervision **must** be:
  - by a person who is in regulated activity relating to children
  - regular and day to day, and
  - reasonable in all the circumstances to ensure the protection of children.

### 7.3. Agency and third-party (supply and support) Workers

- The manager **must** obtain written notification from any agency, or third-party organisation that they have carried out the same checks as the Group would otherwise perform on any individual who will be working (or who will be providing education on the Group's behalf, including through online delivery). In respect of the enhanced DBS check, the manager **must** ensure that written notification confirms the certificate has been obtained by the business supplying the worker. The mandatory checks are contained in the Agency Verifying Checklist Form. This **must** be completed in full and uploaded onto the Group's Single Central Record before the worker commences work with the Group.
- Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work for the Group, which has disclosed any matter or information, or any information was provided to the employment business, the manager **must** obtain a copy of the certificate from the agency.
- The manager **must** be satisfied that the person presenting themselves for work is the same person on whom the checks have been made and ensure that the identity of the worker is checked upon arrival.

### 7.4. Trainee/Student Teachers

- Where applicants for initial teacher training are salaried by the Group the manager **must** ensure that all checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) **must** be obtained.
- Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The Group should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the Group would otherwise be required to perform,



and that the trainee has been judged by the provider to be suitable to work with children.

- The Group will record details of fee-funded trainees on the single central record under non statutory information.

## 7.5. Contractors

- Contractors who have an opportunity for regular contact with children who are not engaging in regulated activity, will require an enhanced DBS certificate to be provided by the contracting company, which does not include a barred list check.
- The relevant manager is responsible for ensuring that the organisation providing the contractor confirms in writing that their employee has undergone DBS checks and is considered suitable to work within an educational environment. Such verification **must** be sought before the contractor is engaged to undertake any work on Group premises.
- A contractor for whom no checks have been obtained **must** not work unsupervised.
- If a contractor is self-employed, the manager should obtain a DBS check on behalf of the individual.
- The manager **must** ensure that the identity of contractors and their staff are checked upon arrival.

## 8. Safer Recruitment

8.1. The Group's commitment to safer recruitment will be published on all job descriptions, person specifications and recruitment adverts and checks will be incorporated into the selection process.

### 8.2. Employees

- All employees have a contractual obligation to notify their manager of any convictions received during employment. A failure to personally notify the Group will be regarded as a disciplinary matter.
- Where the manager is notified by the employee that a conviction has been received during the course of employment, or where the Group is made aware of a conviction during a DBS re-check, the employee will be required to attend a meeting with a senior manager to discuss the details further.
- Where it is considered that a risk assessment is required, this will be undertaken as soon as possible by a senior manager. The risk assessment will assess the conviction against the role undertaken.
- Consideration may be given to moving the employee to an alternative post with no access to children and/or vulnerable adults, property, information and/or resources, depending on the nature of the disclosures and pending the outcome of a full investigation.

- Consideration will be given to the appropriateness of suspending the employee on full pay pending the outcome of a full investigation.
- Cases will be managed on an individual basis through appropriate policy and procedures. This includes but is not exclusive to the Disciplinary Procedure.

## **9. Referral to the Disclosure and Barring Service (DBS)**

- 8.1. The Safeguarding Vulnerable Groups 2006 Act sets a legal duty to refer information to the DBS if a member of staff, volunteer and/or contractor is dismissed or removed from working with children and/or adults (in what is legally defined as a Regulated Activity) because they meet the referral criteria.
- 8.2. In cases where the Group believes the person has committed a criminal offence, information will also be forwarded to the police at the earliest opportunity.

## **10. Portability**

- 10.1. The Group will undertake DBS checks and re-checks for all relevant parties.
- 10.2. The Group does not accept previously issued DBS checks as an alternative to undertaking its own checks.
- 10.3. Where the individual is a current subscriber of the DBS update service, permission will be requested by the Group to undertake the relevant checks through this service.

## **11. Training**

- 11.1. All new employees are required to undertake compulsory safeguarding e-learning and to ensure they have read and understood the Safeguarding policies and practice within the first weeks of employment.
- 11.2. Recruiting managers will be required to undertake Safer Recruitment e-learning module prior to participation in a recruitment panel.
- 11.3. All employees will be required to undertake refresher training of all safeguarding e-learning modules on a three-yearly basis, or sooner if relevant legislation has changed.

## **12. Data Protection**

- 12.1. The Group will ensure that sensitive personal information is stored in accordance with the Data Protection Policy.
- 12.2. All documentation provided to enable a check to be conducted will be securely disposed of immediately.
- 12.3. The Group will act in accordance with the Data Protection Act 2018 and the General Data Protection Regulations at all times.

### **13. Additional Reading**

13.1. The following guidance, policies and procedures should be read in conjunction with this policy:

- Safeguarding Policy
- DBS Disclosure and the Recruitment of Ex-Offenders Policy
- Code of Professional Conduct for Staff
- Data Protection Policy
- Safe Working Practice Guidance.

## Appendix one



### Safer Recruitment DBS Risk Assessment Pro-forma: Employees and Volunteers

<p>This form is to be used when commencement of employment is being considered prior to a satisfactory DBS Certificate being obtained. Or when a Caution or Conviction has been declared on application prior to considering making an offer.</p> <p>Record all follow up actions and comments and return to HR with the Authority to Appoint authorisation.</p> <p><b>Note: A Risk Assessment relating to the non-return of the DBS Certificate can only be undertaken when ALL other pre-employment vetting checks have been completed and are satisfactory to the recruiting manager.</b></p>	
Recruiting Managers Name and Signature	Date
Applicant / Volunteer Name	
Department / Area	
Pre-employment Checks	Notes or Action Taken
I have checked the application form for gaps or anomalies and explored the reasons why (date)	
I have seen two references and they are both satisfactory to me (date)	
Barred List Check has been completed (date)	
I have seen and attach a copy of photographic proof of ID (example Passport / Driving Licence) (date)	
I have seen and attach a copy permission/right to work in UK. (example Passport / Birth Certificate) (date)	
Original qualifications copied and attached (date)	
Overseas additional check if lived or worked overseas in the last 5 years (date)	
Prohibition Check (date)	
Safeguarding Checks	Notes or Action Taken
<b>If employee has disclosed previous convictions/cautions please consider the following:</b>	
<p>Has the candidate made you aware of the nature of the conviction/caution, at Application/Interview or Offer?</p> <p>Do you feel this poses a risk to the safety of students? And what is your rationale?</p>	Please state the rationale for your decision.
Does the conviction/caution automatically bar candidate from working in Education (check with HR)	
Explanation of the circumstances	
Discuss:	

<ul style="list-style-type: none"> <li>• Group Values</li> <li>• Code of Conduct</li> <li>• Contractual obligation to disclose further convictions</li> <li>• Need for confidentiality</li> <li>• Group reputation &amp; professionalism</li> </ul>	
<p><b>In assessing the risk the following may be taken into account:</b>  nature of the offence * explanation of circumstances of the offence * length of time elapsed since the offence * any pattern of offending * contact with learners * level of supervision * level of trust required in the role * access to and value of resources * contact with the public * any other relevant information</p> <p><b>How will the risks be mitigated and what Control Measures will be put in place:</b></p>	
<p><b>For all employees please consider the following questions:</b></p>	
<p>Does the post require unsupervised access to students? (Age range)</p>	
<p>In the course of such duties can the employee be observed or supervised by another who has been checked in accordance with the policy?</p>	
<p>Will the employee be providing personal care to students?</p>	
<p><b>Head of Department / Executive Director signature comments and recommendations</b></p>	
<p><b>Countersigned by Executive Director People Services</b></p>	

## Appendix One: Screening Tool

### Public sector equality duty

The Public Sector Equality Duty requires College to have **due regard** for the need to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people from different groups; this involves considering the need to:
- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics;
- encourage people with protected characteristics to participate in activities where their participation is low; and to
- foster good relations between people from different groups - this involves tackling prejudice and promoting understanding between people from different groups.

Consequently, we need to assure ourselves that our policies will not have an adverse differential impact on any particular group. This pre-screening section will enable you to identify whether your policy is likely to have an adverse differential impact.

Please use the following template to help determine whether an equality analysis is required

<b>Name of the policy</b> DBS and Safer Recruitment Policy
Author(s): Trudy Morris

<b>Author(s) of Equality Analysis:</b>
Name: Trudy Morris
Job title: Interim Director of People Services
Date: 29 September 2023
Signature: <i>T Morris</i>

In order to decide whether the policy requires further action, please complete the following questions:

**1. What are the main aims, purpose and outcomes of the policy?**

This policy outlines the approach that the College undertakes to ensure the robust recruitment and vetting practice for current and prospective employees, in addition to other workers and volunteers.

**2. Will these aims affect our duty to:**

	Yes / No	How?
advance equality of opportunity?	No	
eliminate discrimination?	Yes	By ensuring a considered review is taking following the notification of convictions.
eliminate harassment?	No	
foster good relations between people from different groups ?	No	
tackle prejudice and promote understanding between people from different groups?	No	

**3. What aspects of the policy, including how it is delivered, or accessed, could contribute to inequality?**

Cases are managed on an individual basis, and therefore this may lead to differential treatment of individuals. However, the process is supported by a central department and a consistent approach with due consideration to precedents will be undertaken to reduce the risk of differential treatment. This would be carried out on an individual basis taking into consideration the facts of each case.

**4. Will the policy have an impact (positive or negative) upon the experience of people, including those who share a protected characteristic?**

Please complete the following table:

Protected characteristic	Meet needs of people with this characteristic	Encourage participation (if under-represented)	Remove or minimise disadvantages	Possible negative impact
Race	Yes			
Gender	Yes			
Disability	Yes			
Religion / belief	Yes			
Sexual orientation	Yes			
Gender reassignment			Yes	
Pregnancy /maternity	Yes			
Age	Yes			
Marriage / civil partnership*	Yes			

### Evidence:

The requirement for confidentiality is explicit within this policy. The Group will not be made aware unless convictions received under the previous gender require this to be disclosed.

### 6. What different needs, experiences or attitudes are particular communities or groups likely to have in relation to this policy?

Not aware of any.

### Next steps

If your answers to these questions have identified potential negative impacts, then you should consider further consultation or action to minimise the differential impact. Please contact the Inclusion department for support.

If no further action is required, please sign the declaration below and include with all published copies of the policy.



## Declaration

The policy does not have a significant impact upon equality issues and therefore does not require any further action.

<b>Author(s) of EA.</b>
Name: Trudy Morris
Job title: Director of People Services
Date: 29 September 2023
Signature: <i>T Morris</i>