

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	DBS and Rehabilitation of Offenders Policy
Senior Manager Responsible:	Assistant Principal – Finance and HR
Author:	HR Manager
Approved By:	Senior Leadership Team
Date Approved:	9 th February 2021
Next Review Date:	9 th February 2024
Publication:	NCCG Staff Hub (Extranet)
Changes Made:	

Disclosure and Barring Service (DBS) Policy and Procedure

1. Introduction and Purpose

The DBS and Safeguarding Policy and Procedure applies to all staff and volunteers of the Nelson College Group. It outlines our process in relation to action we take to ensure we are meeting our duties relating to protecting the safety and promoting the wellbeing of staff, students and visitors according to Keeping Children Safe in Education (KCSiE) guidance.

Nelson and Colne College Group is committed to the fair treatment of its staff, potential staff or users of its services.

DBS checks enable the College to make safer recruitment decisions by identifying candidates who may be unsuitable for work that involves children under the age of 18, or that involves working with vulnerable adults.

This policy sets out the College's approach to DBS checking within the statutory framework.

Nelson & Colne College Group complies with the DBS Code of Practice for Registered Persons and Other Recipients of Disclosure Information.

2. Scope

This policy applies to all staff employed by the College (including part-time hourly paid and casual staff), agency staff, volunteers (including student placements) and governors.

3. Related documents

This policy should be read in conjunction with the following documentation:

- Safeguarding Children and Vulnerable Adults Policy and Procedures – September 2020
- Recruitment and Selection policy
- Data Protection policy
- GDPR

4. Statement of Action

Nelson and Colne College requests Enhanced DBS disclosures for all successful job applicants and may also re-check existing members of staff, where relevant and appropriate. The enhanced DBS check will include a check of the barred list for working with children and vulnerable adults.

Enhanced DBS disclosures are requested for all prospective employees on the basis that, based on the size, student profile and physical layout of the College, we consider it constitutes a 'specified place' and hence all employees are considered to be engaged in 'regulated activity'.

When completing the DBS form original documents must be provided and photocopies retained for the personal file. The group will use an external company to process all DBS applications.

DBS checks will only be submitted for the candidate selected for appointment

Any conviction or other matter disclosed to the college by an applicant as part of the initial application process (and therefore not part of the disclosure procedure above) will not necessarily preclude shortlisting. The decision as to whether or not to shortlist will be taken

by the recruiting manager following advice from Human Resources and will depend upon the following:

- the seriousness of the offence
- the time elapsed since the conviction or other matter
- the nature and relevance of the conviction or other matter to the position in question
- whether there is a pattern of offending behaviour.

If a disclosure shows evidence that the individual is potentially a risk to children or vulnerable adults, the College reserves the right to withdraw any offer of employment. The Recruitment of Ex-Offenders Policy outlines the procedure for dealing with disclosure information.

New starters should not commence employment until all of the statutory pre-employment checks have been carried out, including the enhanced DBS. However, there may be some circumstances where a person is needed to start work at the College prior to the receipt of the disclosure. In these cases, a risk assessment process will be conducted by the HR Manager/Line Manager and paperwork based on this will be held by HR. Additional measures will be put in place to ensure the individual is supervised in College, pending a satisfactory disclosure being obtained. For all staff awaiting a disclosure check, it will be made clear that they are subject to this additional supervision pending receipt of the check. The nature of the supervision will be specified.

5. Agency staff

The requirement to carry out statutory checks also applies to agencies providing individuals to work at the College. In such circumstances, the College will ensure that the agency provides written confirmation that all appropriate checks, including an enhanced DBS disclosure and barring checks, have been undertaken.

The form found in Appendix A must be completed for all agency staff

6. Volunteers

Individuals wishing to volunteer at the College are subject to the same scrutiny in terms of statutory checking as employed staff. However, not all volunteers are subject to DBS checking. Under the Protections of Freedoms Act, volunteers are not required to be subject to an enhanced DBS and barring checks if they are accompanied at all times by a member of college staff

Each case will be considered on its own merits.

The form found in Appendix A must be completed for all volunteers

7. Visiting Staff (including Contractors and Student Placements)

Workers employed by other employers are sometimes contracted to work at the College. Such individuals will also include those 'visiting' the College to undertake a teacher training placement.

For these individuals, the employer (or placing organisation) is responsible for ensuring that the required statutory checks are completed and to verify these with the College. The form found in Appendix A must be completed for all visiting staff.

8. Governors

The College requires all members of its Governing Board to undertake an enhanced DBS disclosure and barred list checks. The form found in Appendix A must be completed for all Governors.

9. Procedural notes

All application forms, job adverts and recruitment campaigns will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

The College will encourage applicants called to attend a selection process to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Human Resources Manager. This information will only be considered if the applicant is identified as the most appointable candidate at the end of the selection process. At this point, an open discussion will take place with the individual to consider any offences identified and determine whether they impact on the individual's suitability to work with children and/or vulnerable adults. Failure to reveal information that is directly relevant could lead to the withdrawal of an offer of employment.

When considering the relevancy of a criminal record, a decision on employment will be based on:

- The risk to children, vulnerable adults and our wider student body
- The nature, seriousness and relevance of an offence(s)
- An examination of circumstances leading up to an offence
- Repeat offences
- The length of time since an offence(s) took place
- An individual's attempts to rehabilitate themselves
- The ability to manage risks and provide safeguards
- Level of supervision required and available
- The accuracy of the application form details
- Country in which the offence occurred

Brief details of the discussion and the outcome will be recorded on a risk assessment form

DBS applications are administered by the Human Resources department.

The Human Resources department will maintain a single central record of employment checks for staff engaged at the College. The reference number of a DBS certificate will be recorded, together with the issue date once the full disclosure certificate has been viewed by a member of the Human Resources team.

Existing staff are required to notify the College, via the Human Resource department, of any conviction, cautions, charges etc. made against them during their employment. Any decisions regarding their employment status will be made under the same principles of this policy.

Discussions with staff about criminal or other declarations will be retained on employee files

DBS checks will be verified every 3 years for those staff in roles with regular unsupervised contact with young people or vulnerable adults/vulnerable groups, on a risk basis.

10. People who do not require DBS checks

It is not necessary to obtain a DBS disclosure for visitors to the College who will only have contact with children or vulnerable adults on an ad hoc or irregular basis for short periods of time. However, all visitors to the College must report to Reception and sign-in on their arrival, and are required to wear a visitor's badge whilst they remain in the College.

Examples of those who are not required to have a DBS disclosure include:

- Visitors or contractors who come on site to carry out repairs or service equipment
- Visitors who have legitimate business with the College and have only brief contact with children or vulnerable adults
- People who are on site before or after normal College hours and when children or vulnerable adults are not present (before 7am and after 7pm)

11. Barred List

For roles with regular, unsupervised contact with young people or vulnerable adults/vulnerable groups, the Teachers' Pension website must be checked before employing academic staff to ensure that they are not prevented from teaching.

The barred list must be checked before any worker commences work within us.

12. Portability

Portability refers to the reuse of a DBS check, obtained for a position in one organisation and later used for another position in another organisation. The Nelson and Colne College Group do not facilitate portability.

APPENDIX A - DETAILS FORM

Agency		Governor		Other	
Volunteer		Contractor			
Name					
Role					
Department					
Date of Birth					
NI Number					
Nationality					
Address (inc postcode)					
Telephone Number					
Mobile Number					
Email Address					
Start Date					
End Date					
Emergency Contact Details					
Name					
Telephone Number					
Relationship					

To be completed by the relevant Department Manager. You must see the originals
(Please scan/ copy at least one document from each group below and send to your HR Business Partner).

Photographic Evidence of ID (circle relevant below):					
Valid Passport		Drivers Licence		National ID Card	

Right to Work Documents (circle relevant below):					
Birth Certificate		Proof of NI		Certificate of Naturalisation	
Passport					

Proof of Address (circle relevant below):					
Bank statement (last 3 mths)		Utility Bill (last 3 mths)		Council Tax statement (last 12 mths)	
Most recent P45/P60					

Date Seen	
By whom	

To be completed by the relevant staff member

Have you ever had any criminal convictions, cautions or bind overs (including spent)?	YES/NO
Are you currently subject to any ongoing police enquiry?	YES/NO
<i>*If yes, please provide details in a sealed envelope marked 'Confidential', for the attention of the HR Department and enclose the envelope with this form*</i>	

NB. All staff members and volunteers will be subject to an Enhanced Disclosure and Barring Service (DBS) check.

Data Protection: Your signature on this document gives the College the right under the Data Protection Act 1998 to process the information you have given, including data of a sensitive nature. Any processing of the data by the College will be in accordance with the College's Data Protection Policy and the processing principles set out in the Act.

Signed: _____ Date _____

