

## Policy/Procedure/Guideline Review

<b>Policy/Procedure/Guideline:</b>	DBS Policy
<b>Senior Manager Responsible:</b>	Assistant Principal – Finance and HR
<b>Author:</b>	Director of HR
<b>Approved By:</b>	Board
<b>Date Approved:</b>	15 <sup>th</sup> October 2024
<b>Next Review Date:</b>	15 October 2027
<b>Publication:</b>	NCCG Staff Hub
<b>Changes Made:</b>	<ul style="list-style-type: none"> <li>• Policy updated to include NCCPS</li> <li>• Process outline in policy updated to reflect online DBS process</li> <li>• Pending DBS risk assessment template included as Appendix 1</li> <li>• General tidying up of policy format, language, terminology etc.</li> </ul>

## Disclosure and Barring Service (DBS) Policy

### 1. Introduction and Purpose

The DBS Policy applies to all staff and volunteers of the Nelson College Group (including those employed by NCC Professional Services Ltd). 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 and users of its services.

DBS checks support the College in making 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. The College does not solely rely on DBS information for making recruitment decisions, they form part of a wider suite of pre-employment checks, on part of our safer recruitment practices (as outlined in the Recruitment and Selection Policy).

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

Nelson and Colne College Group complies with the Disclosure and Barring Code of Practice.

### 2. Scope

This policy applies to all staff employed by the College and / or NCC Professional Services Ltd (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:

- Recruitment and Selection Policy
- Recruitment of Ex-Offenders Policy Statement
- Safeguarding Policy
- Data Protection Policy

### 4. DBS Process for Staff / Applicants

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. A barred list check for working with vulnerable adults will only be requested for staff / applicants in roles that meet the criteria.

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'.

Following a provisional offer of employment, the successful applicant will be sent a link to the College's online DBS checking provider to complete an application form. The applicant will also need to bring to HR at least three forms of ID, in-line with DBS ID checking guidelines. HR will complete the verification stage of the application and submit to the DBS. Once the DBS have completed the check, they will issue the certificate to the individual and an

outcome will be shown on the online system. Where information is detailed on the certificate, the individual must bring the original certificate in for HR to view. Where there is no information on the certificate, the outcome online is sufficient and the process is complete. The individual should retain the certificate for their own records

If the applicant is signed up to the DBS update service, the original DBS certificate must be brought in and viewed by HR, who will then undertake a status check. If the update check reveals something has changed, a new DBS check must be completed.

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 DBS procedure above) will only be considered if the applicant is identified as the most appointable candidate at the end of the selection process.

If a DBS 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 HR (Appendix 1). The College will only allow individuals to start prior to the DBS check being received if a barred list check has been completed and references received (apart from in exceptional circumstances), in these instances, additional measures will be put in place, such as additional supervision and no lone working, 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 on the risk assessment document.

## **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 and barred list check(s), have been undertaken.

## **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 2 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.

## 8. Governors

The College requires all members of its Governing Board to undertake an enhanced DBS disclosure and child barred list check.

## 9. Procedural notes

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

The College will encourage applicants to provide details of their criminal record at an early stage in the application process. This information is held confidentially in HR and 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 determining the relevancy of a criminal record, a decision on employment will consider:

- The level of contact with children (under 18) or vulnerable adults
- The level of close supervision the individual will receive
- The responsibility for money or items of value
- The seriousness of the offence
- The length of time since the offence was committed
- The pattern or number of offences where there are multiple
- Whether the applicant's circumstances have changed

Details of the discussion and the recommendation will be recorded on a risk assessment form, which will then be reviewed and approved by the Director of HR and stored on the individual's employee file. Where the offence(s) detailed on a DBS disclosure bring in to question the individual's suitability to work with children and/or vulnerable adults, the Director of HR will liaise as appropriate with the Designated Safeguarding Lead (DSL), or delegated deputy before signing off the risk assessment.

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.

As detailed in the Staff Code of Conduct, 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 completed every 3 years for those staff in roles which meet the definition of 'regulated activity'.

## 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)

## Appendix 1 – Risk Assessment – Pending DBS

A risk assessment is required if the College is considering allowing a newly appointed employee to commence work **before** their DBS disclosure certificate is received.

New employees will not normally be allowed to commence work until the College is fully satisfied that all relevant checks have been undertaken, and particularly their DBS check. This will only be considered in certain circumstances and will be subject to all other pre-employment checks being satisfactorily completed.

**A risk assessment must be completed in every such case,** in order to ensure that the decision-making process is clear and consistent. Once completed, if the appointment is confirmed, this form will be kept in the individual's HR file until such a time as the DBS check is received.

### For Completion by HR:

#### Details:

Employee Name:			
Date of Birth:			
Proposed Start Date:			
Job Title:			
Department:			
Manager:			
Place of Work:	NCC	ARC	LAL
Role Type:	Established		PTHP/Casual

#### Pre-Employment Check Information:

<p><b>Is this post deemed as regulated activity?</b> <i>(i.e. will regularly work in a college at times when children are on school or college premises (where the person's work requires interaction with children, whether or not the work is paid (unless they are a volunteer) or whether the person is directly employed or employed by a contractor. Or, work in a college, will regularly come into contact with children under 18 years of age. )</i></p>	YES / NO
<p><b>DBS Application ID:</b> <i>To be found on Personnel Checks and taken from the completed DBS form. This <b>must</b> have been sent to the DBS service, prior to commencement)</i></p>	
<p><b>Date HR submitted the DBS application form:</b></p>	
<p><b>Has the applicant registered for the DBS Update Service? If Yes, has consent been given by the applicant?</b></p>	
<p><b>Has the applicant declared any previous cautions / convictions?</b> <i>(If yes, please confirm that this has been discussed with the applicant (include the date of that discussion) and that the College is satisfied that this does not pose a risk to their employment)</i></p>	

**Dates of completed pre-employment checks:**

<b>Fitness to Work:</b>	
<b>Essential Qualifications:</b>	
<b>Identity/ Right to Work Checks:</b>	
<b>Additional Overseas Checks:</b>	
<b>Barred List Check:</b>	

**Previous Employment:**

<b>Are there any unexplained gaps in employment history? If Yes, has this been satisfactorily explained by the applicant?</b>	
<b>Has a reference been received from the most recent employer which contains no reservations regarding the applicant's suitability to work with children/young people/vulnerable adults? Please provide details.</b>	
<b>Has the applicant provided an original copy of an existing Disclosure Certificate?</b>	YES / NO
<b>Is this less than 12 months old?</b>	YES / NO

**Risk to the Organisation:**

High                       Moderate                       Low

Completed by:  
Signature:  
Position:  
Date:

**For Completion by the Line Manager:**

<b>The applicant must read, sign and return the KCSIE document within the first week of employment</b>	
<b>The applicant must complete their Safeguarding Level 1 &amp; 2 (if applicable), within their first week of employment</b>	
<b>Please state what arrangements will be put into place to reduce all identified risks pending receipt of the DBS Disclosure.</b> <i>(All staff without a completed Disclosure are subject to additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision spelt out. The arrangements should be reviewed regularly, at least weekly, until the disclosure is received).</i>	
<b>Are you confident that the individual will not be given any responsibility for high risk activities?</b> <i>(i.e., sports, overnight stays, one to one activities)</i>	

Completed by:  
Signature:  
Position:  
Date:

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**For Completion by the Director of HR**

Approved

Not Approved

I understand the College's policy in respect of pre-employment checks and in respect of the supervision required/restrictions on activities that can be carried out by the applicant. I have considered the above assessment and I believe the applicant does/does not constitute a risk for the following reason(s):

Therefore, the applicant should/should not be allowed to commence work.

Signature:  
(Director of HR)

Date:



## APPENDIX 2 - DETAILS FORM (to be completed and returned to HR)

<b>Volunteer</b>	
<b>Name</b>	
<b>Role</b>	Support / Teaching
<b>Department</b>	
<b>Date of Birth</b>	
<b>NI Number</b>	
<b>Nationality</b>	
<b>Address (inc postcode)</b>	
<b>Telephone Number</b>	
<b>Mobile Number</b>	
<b>Email Address</b>	
<b>Start Date</b>	
<b>End Date</b>	
<b>Emergency Contact Details</b>	
<b>Name</b>	
<b>Telephone Number</b>	
<b>Relationship</b>	

**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).

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

<b>Right to Work Documents (circle relevant below):</b>			
<b>Birth Certificate</b>		<b>Proof of NI</b>	
			<b>Passport</b>
<b>Other (please detail)</b>			

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

<b>Date Seen</b>	
<b>By whom</b>	

**To be completed by the volunteer.**

Have you ever had any criminal convictions or cautions (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>	

Are you currently on the DBS updated service	YES/NO
If yes, please provide DBS certificate number:	

***NB. All volunteers will be subject to an Enhanced Disclosure and Barring Service (DBS) check. There will be a charge for Nelson and Colne College Group to do this on your behalf.***

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 \_\_\_\_\_