



POLICY ON DISCLOSURE & BARRING SERVICE CHECKS

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Date policy reviewed.	June 2023	Date policy to be reviewed	June 2026
Equality Impact assessed by:	A McDowell	Date impact assessed:	June 2023
GDPR Impact assessed by:	A McDowell	Date GDPR impact assessed:	June 2023

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1. Introduction

1.1 This policy is designed to set out the requirements of Disclosure and Barring Service (DBS) checks for the College. It should be read in conjunction with the Recruitment and Selection Procedure.

1.2 The DBS is an executive non-departmental public body of the Home Office. It was formed in 2012 and replaced both the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

1.3 The DBS is responsible for:-

- Processing requests for criminal records checks, and
- Deciding whether it is appropriate for a person to be placed on or removed from a Barred List, and
- Placing or removing people from the DBS children's Barred List and adults' Barred List for England, Wales and Northern Ireland.

2. Scope

2.1 This policy covers:

- employees/prospective employees of the College;
- certain students at the College;
- visitors to the College;
- agency and supply staff;
- contractors and other workers.

2.2 Any reference to "The College" includes Southport College and King George Vth Sixth Form College.

3. Determination of DBS Requirements

3.1 The Department for Education Guidance, Keeping Children Safe in Education (KCSE), requires organisations to undertake recruitment, selection and pre-employment vetting checks. This policy covers the requirement for DBS checks and Barred List checks.

3.2 The level of check depends upon the activities and/or place in which the activities are undertaken.

3.3 Regulated activity is defined as:

- Teaching, training, instructing, caring for or supervising children;
- Providing guidance and advice on well-being for children;
- Driving a vehicle only for children.

Where this work is unsupervised and carried out frequently (defined as once a week, or more often, or on 4 or more days in a 30 day period, or overnight between 2am and 6am).

3.4 Individuals undertaking regulated activity are required to undertake an Enhanced DBS check and Children's Barred list check.

3.5 If individuals aren't carrying out regulated activities, as defined above, they can still be in regulated activity with children because of where they are undertaking this activity. The Department for Education [guidance for Regulated Activity relating to children](#) provides a list of "specified establishments", which includes 6th form Colleges, and explains that individuals who work in those places are in regulated activity with children if they meet the following criteria:

- They work there on more than 4 or more days in a 30 day period, or overnight between 2am and 6am with the opportunity for face-to-face contact with children **and**
- They have the opportunity, because of their job, to have contact with children in the establishment **and**
- They work there for the purpose of the establishment **and**
- It's not a supervised volunteer role.

3.6 General Further Education Colleges aren't considered to be "specified establishments" however any individuals who come into regular contact with under 18s are eligible for an Enhanced DBS check without a check of the Children's Barred List.

3.7 In addition to the requirements of KCSE there are a small number of roles in the College which involve individuals engaging in regulated activity with adults, in relation to personal care. Legislation requires the College to carry out an Adult Barred List check for these individuals.

3.8 Applying the above provisions to the College results in the following levels of required checks for individuals:

- ***KGV regulated and non-regulated activity:*** enhanced DBS and Child and/or Adult Barred List check
- ***Southport regulated activity:*** enhanced DBS and Child and/or Adult Barred list check
- ***Southport non-regulated activity:*** enhanced DBS.

3.9 The determination of regulated or non-regulated activity will be carried out by the Director of Human Resources.

3.10 When a Barred List check is required it must be undertaken prior to the individual commencing work.

3.11 It is an offence for relevant employers to knowingly appoint someone to a post from which they have been barred. A person whose employment has been restricted by the Secretary of State may only work in a post which does not contravene the terms of the restriction.

4. Processing DBS Applications

4.1 The College has determined that the Director of Human Resources is the Lead Countersignatory for DBS applications and as such acts as the principal point of contact with the DBS on all matters connected with disclosure and registration.

4.2 The College also has approved a number of additional Countersignatories who are authorised to check and process DBS applications and these are:

- Payroll Supervisor;
- Senior Personnel Advisor;
- Employer Relations Manager (Work Placements);
- Employer Relations Account Executive (Work Placements).

4.3 All Countersignatories are registered with the DBS and in the event that there are any changes to the Countersignatories' details the DBS will be informed. Each April, at the beginning of the fiscal year, registration details will be formally checked to ensure that they have been kept up to date.

4.4 Individuals who require a DBS check must complete the DBS Application Form, provided by the DBS. The application form must then be submitted to the College with the relevant identification documents, as set out in the guidelines for Confirmation of Identity (maintained separately by the Personnel Department).

4.5 Trained members of staff are required to check the DBS Application and complete a DBS Document Checklist. They are then required to complete the Registered Body section of the application form confirming that they have verified the individuals' identity and detailing the level of check required, along with any Barred List Checks. Once this procedure has been completed the DBS Document Checklist and Application will be forwarded to the Countersignatory, who has not been involved in the checking, who will approve sign and submit the application.

4.6 DBS certificates will be sent directly to the applicant. If the applicant disputes any information on the Certificate, they are entitled to raise this with the DBS and ask for a decision on the accuracy of the Disclosure.

4.7 The applicant is required to present the certificate for inspection by the College.

4.8 If the certificate has no disclosures, a copy of the certificate is taken and the DBS check is signed off as complete.

4.9 If there are disclosures on the certificate a risk assessment will be undertaken to determine whether the individual is suitable to undertake the proposed activity.

5. Additional Guidance for Checks on New Staff

5.1 In line with the College's Recruitment and Selection procedure, all applicants will be made aware that a Disclosure will be sought from the successful candidate. This requirement will be included in the initial vacancy advertisement, the job description provided to the applicant and in any offer of employment.

5.2 The successful candidate will not normally be able to commence employment until the DBS application process has been completed.

5.3 In exceptional circumstances, if this process has not yet been completed, and this might disrupt the care of students, or have a detrimental effect on the service provided by the College, the Principal (or other Senior Post Holder in their absence) has the discretion to allow an individual to begin work pending confirmation of the outcome of the DBS check.

- 5.4 In these circumstances the Human Resources Department will require the line manager of the individual to complete a Risk Assessment: Supervision pending DBS Disclosure. This form must be submitted to the Principal, via the Human Resources Department. Only the Principal (or other Senior Post Holder in their absence) may authorise that the individual commences employment having regard to the information supplied on the Risk Assessment form.
- 5.5 If the individual is to be engaged in regulated activity the Barred List must be checked as part of the Risk Assessment.
- 5.6 It is only when the Principal (or other Senior Post Holder in their absence) formally approves the proposed supervisory arrangements, and the necessary pre-employment checks have been completed by the Human Resources Department, that the individual may commence employment with the College.
- 5.7 A new DBS check may not be necessary if the applicant has previously subscribed to the DBS Update Service and has given the College authority to access their status. The applicant is required to present the original DBS Certificate for inspection by the College prior to appointment. The level of DBS and type of workforce/Barred List check must be in line with the job specification.
- 5.8 New staff at the College who have lived outside the UK will be subject to such additional checks as are deemed appropriate where the required DBS Certificate is not considered sufficient to establish suitability to work with children or with adults requiring personal care. This may include additional checks such as obtaining a certificate of good conduct from relevant embassies or police forces. The level of information varies from country to country and may contain complete or partial extracts from criminal records.

6. Additional Guidance for Checks on Existing Staff

- 6.1 By law, the College cannot ask existing staff, in post, who were not previously eligible for criminal background checks (including those recruited before the establishment of CRB/DBS) to obtain a DBS Certificate, unless:
- The College has concerns about the individual's suitability to work with children, or
 - An individual moves to another position in the College which would then satisfy the requirement for obtaining an Enhanced DBS Certification (with or without eligibility to check the Child Barred List) in which case the DBS process would follow the procedure outlined in Sections 4 and 5 above.
- 6.2 The College does not require existing staff to be rechecked if the level of DBS check remains relevant to their position.
- 6.3 Under the requirements of the Education and Skills Funding Agency Funding Contract for 2019/20 the College is required to request College personnel to declare annually whether there has been a change in their circumstances relating to background checks that have been undertaken.
- 6.4 Where the self declaration indicates a change in circumstances relating to the background checks the College will:

- Assess the risk of continuing to engage such member of Personnel in the delivery of services;
- Request new background checks;
- Put in place appropriate actions to ensure learners are safeguarded.

7. Agency or Supply Staff

- 7.1 In the case of agency staff, the College will confirm with the agency that necessary and appropriate checks have been carried out and that the outcomes were satisfactory. The College will ensure that the contract or arrangement with supply agency imposes an obligation on the agency to carry out the same checks as FE Colleges do for their staff. The College will also ask if the outcome of the DBS check contains additional information and obtain a copy of that information from the agency.
- 7.2 If the contents of the DBS Certificate have not been received by the agency, the College will require notification of its content by the agency as soon as it is received, prior to any agency/supply work commencing.

8. Volunteers

- 8.1 It is a requirement that volunteers who work at either College site in what would otherwise be regulated activity (see Section 3 above) do so only on a supervised basis by an existing member of staff who has been checked on this basis. The College may require an enhanced check without the Barred List check after considering the following criteria:

- the duration, frequency and nature of contact with children or level of personal care
- what the College knows about the volunteer, including formal/informal information offered by staff, parents and other volunteers
- whether the volunteer is well known to others in the college community who are likely to be aware of behaviour that could give cause for concern
- whether the volunteer has other employment, or undertakes voluntary activities where referees would advise on suitability; and any other relevant information about the volunteer or the work they are likely to do

- 8.2 College governors work in a voluntary capacity and, unless they also work at the College under another capacity, are not deemed to be in regulated activity. Whilst there is no requirement for College Governors to have DBS checks, as good practice, the College will obtain an enhanced DBS check (without the Children's Barred List check) for College Governors.

9. Contractors and Other Workers (excluding Agency staff)

- 9.1 Contractors coming onsite for emergency or adhoc work will not be required to have a DBS check but will be required to sign in and out and wear an identifying lanyard and be supervised where possible.
- 9.2 There are a number of other contractors of the College who will be required to carry out their work whilst unsupervised. These could include; Security, Catering, Cleaning and Building Maintenance Contractors (this list is not exhaustive). For these contractors the provisions of Agency or Supply staff, set out in Section 7, will be followed.

9.3 The College may engage the services of other workers to undertake specific roles that involve contact with students (such as the production of an event) at either of the sites. Those workers whose role is considered to be regulated activity would be required to obtain an enhanced DBS check in line with Section 3 above.

10. Visitors to the College

10.1 It is not necessary to request a DBS Check for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time. However, all visitors are required to sign in and out at the main Reception and to display an appropriate visitors/contractors ID badge and coloured lanyard at all times. The majority of visitors should be escorted whilst on the premises by a member of staff or appropriately vetted volunteer.

10.2 Examples of visitors who are not required to have a DBS certificate are:-

- Visitors who have business with the College or who have brief contact with children with a member of staff present, e.g. external auditors, interview candidates;
- Contractors coming on site to undertake emergency repairs or service equipment and who would not be expected to be left unsupervised;
- Volunteers/parents who accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help at specific events e.g. College Open Day etc;
- People who are onsite before or after normal college hours when children are not present eg local groups who hire premises for community or leisure activities;
- Visitors who are customers of the College's Clouds Restaurant and Concept Hair & Beauty Salons and who use the dedicated lift to access these areas of the College.

11. Data and Confidentiality

11.1 All personal and sensitive information collected will be managed in accordance with current UK GDPR and data protection laws.

12. Review

12.1 This policy will be reviewed at least every three years by the Director of Human Resources or in line with legislative developments and the need for good practice.