



Community College

DBS DISCLOSURE POLICY

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1. Introduction

This policy provides guidance to managers and administrators on how to manage the DBS disclosure process (to include employees, volunteers and contractors) to positions where they will typically have access to children and young people.

Stoke Damerel Community College (SDCC) has a duty of care to protect the well-being of its students and staff and in particular those individuals in its care who are considered to be especially vulnerable or at risk, such as children and those with disabilities.

Stoke Damerel Community College will take every step to ensure that their employees who work with or otherwise come in contact with these vulnerable groups are suitable to undertake the work.

This document should be read and applied in conjunction with SDCC's Recruitment &

Selection and Equality & Diversity policies and the DfE guidance contained in “Keeping Children Safe in Education” – September 2016 and Section 175 of the Education Act 2002.

This policy will apply equally to internal candidates (i.e. those currently employed by SDCC) and external candidates being considered for employment or volunteer positions. It will also apply where external agencies recruit and employ staff to carry out contract work on behalf of the college or where external agencies supply staff to work within the college. As a responsible employer, Stoke Damerel Community College will require successful candidates to undertake a DBS disclosure check when applying for positions which are included in the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974.

2. Legislation

This policy has been written with regard to the following legislation:

- Equality Act 2010
- Human Rights Act
- Data Protection Act 1998
- The Police Act 1997
- The Safeguarding Vulnerable Groups Act 2006
- The DBS Code of Practice
- The Rehabilitation of Offenders Act (ROA) 1974
- The Criminal Justice and Court Services Act 2000

3. Recruitment

Whenever a vacancy for a position within the Stoke Damerel Community College arises, the following will always be observed;

The HR Advisor will be designated to be responsible to the Board of Governors through the Principal, for the recruitment process and will consult with SMT Link, Curriculum and Line Managers to ensure the procedures are adhered to.

The job advertisement and all supporting recruitment information sent to prospective candidates will clearly state that the post is subject to an Enhanced DBS Disclosure. A Safeguarding statement will also appear on all recruitment literature.

The successful candidate will be required to apply for an Enhanced DBS disclosure.

A conditional offer of employment can be made subject to satisfactory completion of the following pre appointment enquiries and safeguarding procedures:

- Proof of identity
- Academic qualifications
- A Disclosure & Barring Service check will be initiated.
- DfF reference number
- Secretary of State Prohibition Order
- Section 128 checks
- Confirmation of qualified teacher status
- Confirmation of satisfactory references
- Medical fitness to work
- A Certificate of Good Conduct is obtained from prospective employees who are UK nationals and have worked abroad.
- Verification of eligibility to work in the UK.

Where:-

- The candidate is found to be on the Children's Barred List or Vulnerable Adults Barred List or the DBS Disclosure shows s/he has been disqualified from working with children by a Court; or,
- An applicant has provided false information in, or in support of, his/her application; or,
- There are serious concerns about an applicant's suitability to work with children,

Referral should be made to the Principal and the Local Authority Designated Officer (LADO) for guidance.

4. Recruitment of Ex-Offenders

As an organisation using the Disclosure Barring Service (DBS) and the Independent Safeguarding Authority (ISA) services to assess candidates' suitability for positions of trust, Stoke Damerel Community College complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Stoke Damerel Community College is committed to the fair treatment of all its staff, potential staff or users of its services, regardless of race, ethnic origin, gender, religion, sexual orientation, nationality, responsibilities for dependents, age, physical/mental disability, marital status or offending background.

Stoke Damerel Community College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. We select candidates for interview based on their skills, experience and qualifications.

Candidates called for interview are encouraged to provide details of their criminal records at an early stage in the application process. The interviewing panel will pose this question to candidates during the interview process.

Having a criminal record does not necessarily bar individuals from gaining employment in the college. This will depend on the circumstances and background of the offences. Guidance will be sought from the Local Authority Designated Officer

5. Independent Safeguarding Authority Scheme

The New Vetting & Barring scheme under the control of the Independent Safeguarding Authority (ISA) and administered by the Disclosure & Barring Service (DBS) was introduced on 12 October 2009 and covers those who work with or volunteer with children and/or vulnerable adults. The following outlines the new duties imposed on those in the education sector

There are 3 important issues to note, all of which are legal duties that apply now:

1. It is a criminal offence to seek employment in regulated activity if you are barred from doing so.
2. It is a criminal offence to employ someone in regulated activity if they are on one of the barred lists.
3. Regulated Activity Providers (such as schools and Academies), Personnel Suppliers (temp agencies), Local Authorities and Keepers of Registers (such as the NCTL are now under a legal duty to refer individuals to the ISA if the provider believes they are a risk to children or vulnerable adults.

6. Rechecking Existing Employees

Each Disclosure will contain the date the Disclosure was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of a Disclosure at any time after it is issued.

In recognition of OFSTED thinking on DBS checks, Stoke Damerel Community College will undertake 5 yearly re-checking for all existing employees. In addition staff will be required to complete a Staff Declaration form every three years and details will be recorded on the Single Central Record. Re-checking may be carried out more frequently in some service areas where

required by regulations. As part of the re-checking process, if a DBS Disclosure is deemed unsatisfactory, a full investigation will be undertaken which may result in the member of staff being dismissed.

All employees of the college are expected to comply with the re-checking process. Any employee refusing to comply with the request for a Disclosure will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued and/or to comply with contractual agreement, will lead to the withdrawal of permission for the employee to work with students unsupervised. The employee will then become the subject of a disciplinary investigation.

In addition to the standard re-checking policy (i.e. every three years), SDCC reserves the right to ask existing employees to apply for a Disclosure if their actions or activities give cause for concern. The grounds of this could include allegations of suspicious or inappropriate behaviour made to a child or vulnerable adult, or a colleague, parent, carer or member of the public. In such instances a full investigation will be conducted and SDCC may ask for a new Disclosure to be carried out in accordance with legal advice.

7. Employing People with Criminal Records.

Possessing a criminal record is not an automatic bar to working at the college. This will depend on the circumstances and background of the offences committed. Further guidance should be sought from the Local Authority Safeguarding Business Manager.

All posts within Stoke Damerel Community College are exempt under the Exceptions Order of the Rehabilitation of Offenders Act 1974 and therefore all potential employees must apply for an Enhanced DBS Disclosure. This exemption allows for questions about the candidate's criminal background to be asked.

8. Risk Management

Assessing and managing the risk of employing a person with a criminal record, or about whom positive information has been revealed following a disclosure, means careful consideration will need to be given when comparing the candidate's skills, experience and conviction circumstances against the risk criteria identified for the job and deciding on the relevance of the conviction and other information.

Considerations

Addressing issues relating to criminal offences needs an objective pragmatic approach which takes account of the following:

- The college's duties in law
- Safeguarding/protection of children implications of the crime
- The nature of the crime

- When it happened
- The circumstances involved
- The sentence
- Patterns of offending
- Efforts to avoid re-offending
- Job requirements
- Safeguards against offending at work
- Possible reactions of employees

Candidate Awareness

Applicants should be forewarned that Enhanced Disclosures might include non-conviction information such as details of cautions, reprimands, warnings and may include police intelligence relating to on-going investigations and relationships with any known or suspected criminals.

Failure to reveal criminal history could lead to withdrawal of the conditional offer of employment however since the criminal record will not necessarily lead to a bar in employment with the college, a separate interview with the Local Authority Safeguarding Business Manager and the Principal (or a delegated member of staff) will be held to discuss the nature of the criminal record with the applicant.

During the interview, the applicant will be given the opportunity to give a full account of the circumstances of the offence(s), any extenuating circumstances and their efforts to avoid reoffending.

Where assessment against the risk criteria indicates that the applicant could be employed on a conditional basis provided extra safeguards are put in place, these should be discussed with the applicant by the Principal (or a delegated member of staff) to explain the reasons for them.

9. Overseas Candidates

All candidates appointed to a post or seeking to volunteer with children and who have lived outside the UK must undergo an Enhanced DBS check regardless of their length of stay in the UK.

Although it may be of limited value to ask a person who has little or no previous residence in the UK to apply for a Disclosure, if that person seeks to work in the education sector, the college is required to check the Barred List.

A certificate of Good Conduct will also be required from the UK Nationals who have lived abroad.

10. **Volunteers and Students**

Volunteers

Where volunteers seek to work with students of the college, they must apply for a DBS disclosure. These DBS checks are normally free of charge, however not all people who work free of charge are classed as a volunteer with the DBS. To qualify for a free DBS check the role must meet the DBS's definition of a volunteer which is: *" a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out of pocket expenses) doing something which aims to benefit a third party other than or in addition to a close relative"*. Therefore students gaining credits towards qualifications, people on work experience, foster parents/carers etc must pay for their checks.

Students (i.e. School's Direct, PGCE)

Stoke Damerel Community College requires evidence of current disclosures to be provided prior to starting a placement. If the student does not hold a current DBS Disclosure, a new one must be obtained

11. **Monitoring and Reviewing the DBS Disclosure Policy.**

Stoke Damerel Community College will monitor and review this policy on a regular basis in order to ensure ongoing compliance with legislation and effective operational practice.

Stoke Damerel Community College reserves the right to alter and amend this policy in accordance with any recommendations, changes in law or related legislation following consultation with relevant parties.

Policy approved November 2016