



## **DISCLOSURE & BARRING (DBS) POLICY & PROCEDURE**

<b>Audience</b>	<b>ALL COLLGE</b>
<b>Requirement</b>	<b>RECOMMENDED</b>
<b>Policy Owner</b>	<b>PEOPLE &amp; CULTRE</b>
<b>1<sup>st</sup> Delegation</b>	<b>SLT</b>
<b>Last Delegation</b>	<b>SLT</b>
<b>Review Cycle</b>	<b>EVERY 2 YEARS</b>
<b>Last Review</b>	<b>MARCH 22</b>
<b>Due for Review</b>	<b>MARCH 24</b>



## DISCLOSURE & BARRING SERVICE POLICY & PROCEDURE

### 1. PURPOSE & SCOPE

- 1.1. Fareham College is committed to safeguarding and promoting the welfare of young people and vulnerable adults. Therefore, the College has implemented a variety of pre-employment checks to assess the suitability of employees working with these groups of people.
- 1.2. The Disclosure & Barring Service (DBS) was formed when the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) merged in September 2012.
- 1.3. The DBS is an executive agency of the Home Office that has been set up to help organisations make safer recruitment decisions. By providing access to criminal record information, the DBS helps the College identify candidates who may be unsuitable for certain work, especially that involving contact with children or other vulnerable members of society.
- 1.4. Due to the nature of the work undertaken at the College, the College considers itself to be a specified place. Therefore, the College requires **all** staff to undertake an DBS Enhanced Check, including a check of the DBS Barred Lists. The DBS Enhanced check will gather the following information:
  - Information about any convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974 and any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.
  - A barred list check: where people are working or seeking to work in regulated activity with children and/or adults; this allows for an additional check to be made as to whether the person appears on the children's and, where applicable, adult's barred list.
- 1.5. Due to the nature of the work undertaken at the College, **all** posts have been classified as 'exempt' from the provisions of the Rehabilitation of Offenders Act 1974. This means that all convictions and/or pending convictions, both spent and unspent must be disclosed to the College. The nature of the information disclosed will be considered in relation to the duties of the post, and in accordance with this policy.
- 1.6. The College also has a duty to refer to the DBS any information about individuals who may pose a risk to vulnerable groups.
- 1.7. If a post involves work that is regulated activity, and a barred person applies to work in that post, the College is obliged to refer the matter to the Police.
- 1.8. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Fareham College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly and in line with the Equality Act 2010. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

- 1.9. All persons that come onto College property and engage in a regulated activity with a child must have a DBS Enhanced check, which includes a barred check for working with children. The manager in charge must notify the People and Culture department of the person to enable the appropriate checks to be made. A risk assessment will be made by the Manager if the person's checks cannot be completed prior to their being on the College premises. During this period, the person must be supervised by a member of staff at all times. The manager in charge must obtain this information by asking the person or their employer to complete an "External Contractor Safeguarding Verification Form" in advance of the person coming onto the property.

A person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or providing advice or guidance on well-being, or driving a vehicle only for children,
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or engage in intimate or personal care or overnight activity, even if this happens only once.

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

## **2. PROCEDURE**

### **2.1. Disclosure prior to employment**

- 2.1.1. All application forms and job adverts will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- 2.1.2. We require all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent to the People and Culture Department and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 2.1.3. We ensure that all those in Fareham College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 2.1.4. At interview, or in a separate discussion, the College ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- 2.1.5. Having a criminal record will not necessarily bar an individual from working with the College, this will depend on the offence and the relevance of the offence in relation to the position applied for. See point 2.11 for further information on the criteria that will be considered.
- 2.1.6. All applicants who are offered a position (including volunteers and casual workers) at the College will be asked to provide a number of documents prior to commencing their role. In accordance with our safeguarding obligations, successful applicants are asked to complete two specific forms: a Criminal Convictions, Barring & Safeguarding Declaration Form and a Disclosure & Barring Application Form (including the provision of relevant supporting evidence).

- 2.1.7. A disclosure is an impartial and confidential document that details an individual's criminal record and where appropriate, details of those who are banned from working with children and adults. Fareham College requests disclosures for all successful job applicants to ensure that they do not have a history that would make them unsuitable for the post for which they are applying.
- 2.1.8. Staff DBS applications are administrated online by the People and Culture department.
- 2.1.9. If any information in relation to safeguarding is revealed, the People and Culture department will contact the applicant to discuss the information further.
- 2.1.10. Once full details have been ascertained from the employee, the People and Culture Department will discuss any issue/s with the relevant recruiting manager and the Lead Safeguarding Officer and a recommendation will be made as to whether the offer of employment is to continue. A panel, including the Lead Safeguarding Officer, and Principal/CEO will authorise the final recommendation.
- 2.1.11. In consideration of the conviction, attention will be given in the following areas:
- a. Whether the conviction or other information is relevant to the job role.
  - b. The seriousness of the offence or other matter revealed.
  - c. The length of time since the offence or other matter occurred.
  - d. Whether the employee has a pattern of offending behaviour or other relevant matters.
  - e. Whether the employee's circumstances have changed since the offending behaviour or other relevant matters.
  - f. The circumstances surrounding the offence and the explanation/s offered by the employee.
- 2.1.12. Once a decision has been made, the People and Culture Department will write to the candidate and inform them as to the outcome and a copy of the letter will be kept on the applicant's file.
- 2.1.13. If any information is revealed which is of serious concern and may impact the continuation of employment, the matter will be referred to an investigation meeting in accordance with the College's Investigation Policy and Procedure.
- 2.1.14. If there is evidence that the candidate withheld information at any stage, this will be taken into serious consideration.

## **2.2. Disclosure during employment**

- 2.2.1. All employees are required to advise the College immediately in the event that they become convicted of or receive a caution or reprimand for a criminal act during the course of their employment, or if they become aware that a conviction is possible or pending. Additionally, on an annual basis all employees are required to complete an electronically signed self-assessment confirming that there are no changes to their criminal conviction status. Failure to provide accurate information will be referred to an investigation meeting in accordance with the College's Investigation Policy and Procedure.
- 2.2.2. If employees declare a current/pending conviction, caution or reprimand, they will be contacted by the People and Culture department and asked to provide further details regarding the conviction.
- 2.2.3. Depending on the nature of the conviction, staff may be required to complete a DBS Disclosure check, which will enable the College to obtain confirmation of the details of the conviction.
- 2.2.4. In all cases of a conviction being declared, irrespective of the type or nature of the conviction, the details will be considered by the Principal/CEO.

- 2.2.5 In consideration of the conviction, attention will be given to assess the impact of a new conviction. See point 2.11 for further information on the criteria that will be considered.
- 2.2.6 Once a decision has been made, the People and Culture Department write to the employee and inform them as to the outcome and a copy of the letter will be kept on the employee's file.
- 2.2.7 If any information is revealed which is of serious concern and may impact the continuation of employment, the matter will be referred to an investigation meeting in accordance with the College's Investigation Policy and Procedure.
- 2.2.8 If there is evidence that the employee withheld information at any stage, this will be taken into serious consideration.
- 2.2.9 The College must obtain consent from the employee in order to check their DBS status (providing they are a member of the Update Service). Failure to provide consent to do so, may lead to the employee being suspended if there are safeguarding concerns. These checks will only be conducted if there is a specific cause for concern for example if an employee has been dismissed or suspended from the College due to safeguarding concerns. Alternatively, the College may require employees to have a new enhanced check to check for any updates to the original certificate.
- 2.2.10 The College will endeavour to update employees' enhanced checks every **5 years**. This timescale is subject to change as deemed appropriate by the Senior Leadership Team and Designated Safeguarding Leads. This is in line with the Keeping Children Safe in Education Guidance provided by the Department for Education.

### **3 DBS UPDATE SERVICE**

3.1 Employees may decide to pay an annual subscription to enable them to be part of the DBS Update Service. This is optional and is the responsibility of the employee to administer this and cover costs.

### **4 PROVISION OF DBS FOR STAFF VISTING EXTERNAL STAKEHOLDERS**

4.1 If a member of staff is requested to provide a DBS to enable them to visit an external stakeholder such as for an industry placement, to undertake training or other reasonable activity then the People and Culture Department will liaise with the employee to obtain this check.