

POLICY DISCLOSURE AND BARRING (DBS) SERVICE CHECKS

Policy ownership: Human Resources

Scope: Staff and Volunteers

Date: November 2014

INTRODUCTION

UWC Atlantic College is responsible for safeguarding and promoting the welfare of children and young people. These include students at the college and children who attend a range of activities, both on and off the college site. We will work closely with other agencies to ensure adequate arrangements are in place to minimise the risk of harm.

The college uses the Disclosure and Barring Service (DBS) to help assess the suitability of applicants and to reduce the risk of unsuitable people from working or volunteering with our children and young people.

The college will fully comply with the DBS code of practice and recipients of Disclosure information will not unfairly discriminate against the subject of a DBS check on the basis of any conviction or other information revealed.

Having a criminal record will not necessarily prevent applicants from being appointed to work or volunteer at the College but this will depend on the nature of the job and the individual circumstances and background to the offence(s).

LEVEL OF DBS CHECKS

Standard DBS Check

This level is used for positions that involve regular contact with young people.

Enhanced DBS Check

Enhanced DBS checks are used for positions that involve regular contact with children and young people, with supervision arrangements in place.

Barred List Check

Regulated activity is work that a Barred person must not do. The Barred List Check will be in addition to the Enhanced DBS check for those involved in regulated activity.

REGULATED ACTIVITY

The full legal definition of 'Regulated Activity' is set out in schedule 4 of the Safeguarding Vulnerable groups Act 2006, as amended by the Protection of Freedom Act 2012. In the context of the college environment 'regulated activity' exists where staff or volunteers are regularly caring for, supervising, training or being in sole charge of young people under the age of 18 years and/or where work is in a 'specified places' including childcare premises, children's homes, schools and colleges for students under the age of 18 year.

ROUTE 2 CHECK

A Route 2 check will apply when an applicant is unable to provide the specific photographic identification required for a DBS check. To comply with Route 2 requirements the applicant

must produce 5 documents confirming their address and this must then be validated externally. In such circumstances, further advice should be obtained from Atlantic Data Ltd.

OFFERS OF EMPLOYMENT/VOLUNTEERING

All offers of employment or volunteering will be subject to the college receiving a Disclosure check which is considered to be acceptable by the College DBS Lead Signatory.

In addition to employees and on site volunteers there are other groups who regularly attend the site. These include self-employed teachers or support staff and where appropriate, the college will undertake a DBS check prior to them starting work.

Where the college engages with an employment agency for a worker to work at the college under a contract arrangement with the agency, the agency must confirm in writing that the worker has a current DBS check, however in all circumstances the college will reserve the right to complete a DBS check via Atlantic Data Ltd at the expense of the college.

Those who do not require a DBS check are as follows:

- Anyone under the age of 16 years
- Governors/Trustees whose contribution is mainly via electronic communication or web based contact.
- Visitors who may have only brief and infrequent contact with students and are accompanied during their visit
- Trades people who attend the college on a one-off basis or infrequently – it is expected that they will not have free access to the site and would normally be accompanied.

DBS CHECK PROCEDURE

Following a provisional offer of employment or volunteering opportunity, a member of the college DBS signatory team will contact the individual to complete the DBS check. The college uses the accepted E-Bulk system which means that checks are completed and processed electronically through Atlantic Data Ltd (no connection with the college), which is an organisation authorised to process electronic DBS applications on behalf of other organisations.

IDENTITY VERIFICATION

In all circumstances, the prospective employee or volunteer must produce original identification documentation in accordance with the DBS requirements and these must be checked by a member of the college DBS signatory team.

INCOMPLETE DBS APPLICATIONS

Situations may arise which frustrate the DBS application process and in such circumstances, it may be necessary to consider withdrawing the offer of employment or volunteering. Examples include:

- The applicant declines to participate in the application process
- The applicant is unable for whatever reason, to produce the required original identification documents
- The applicant begins the application process but does not complete it

CONFIRMATION OF AN ACCEPTABLE DISCLOSURE CHECK

Where the DBS check reveals no relevant information a member of the DBS signatory team will inform the relevant manager and subject to the acceptable receipt of other pre-employment/volunteering checks, the applicant will be permitted to commence work/volunteering.

DISCLOSURE CHECKS WITH POTENTIAL CONCERNS

Where the DBS check reveals information of potential concern, a member of the DBS signatory team will contact the applicant for confidential discussion and clarification.

The Lead Signatory will then complete a risk assessment and is responsible for making the decision to confirm an appointment or not. In reaching a conclusion the following factors will be taken into account:

- Whether or not the conviction or other information available is relevant to the position
- The seriousness of the offence or other information
- The length of time since the offence or other matter occurred
- Whether there is a pattern of offending
- Whether the applicant's circumstances have changed since the conviction or other matter
- The circumstances surrounding the offence and the explanation provided by the applicant.

Where, following a risk assessment the Lead signatory deems it acceptable, the applicant's appointment will be confirmed, subject to acceptance of other pre-employment/volunteering checks

Where, following a risk assessment, the Lead signatory considers it unacceptable for the individual to commence work or volunteering the offer of employment/volunteering will be withdrawn.

Should the applicant dispute the accuracy of information provided on the DBS check, they can appeal to the DBS. If a mistake has been made, DBS will issue a new DBS check. Under normal circumstances, a final decision about an applicant's employment/volunteering opportunity will not be made until the outcome of the appeal is confirmed.

For the purpose of doubt the College will not employ any applicant who is on the Barred List.

DBS UPDATE SERVICE

The college will not seek to rely on previous DBS checks unless the applicant has subscribed to the DBS Update service.

NON UK CITIZENS

It is not possible to process a DBS check for applicants as they will not have a criminal record in the UK and neither will they appear on List 99.

In some cases, the applicant may be able to apply to their home police force for a certificate of good conduct and it should be noted that the level of information contained in the certificates will vary from one country to another.

Certificates of good conduct are not available in EIRE.

Where an applicant is from a country where criminal records checks cannot be made, extra vigilance must be taken with all remaining pre-employment checks.

REHABILITATION OF OFFENDERS ACT 1974 (ROA)

The ROA ensures that any applicant who has previously been convicted of a criminal offence but has not re-offended in a specified period of time, is, so far as is possible, treated as if the offence and resulting conviction did not occur.

This means that in certain situations, some convictions become 'spent' after a set period of time, at which point, the offender is no longer required to declare the conviction when applying for employment or volunteering opportunities.

However, there are some specific circumstances where exemptions apply to the ROA. Convictions are not considered to be 'spent' and employers are permitted to ask potential employees/volunteers to reveal full details of any convictions, cautions, warning or other relevant information. This applies to all employment and volunteering opportunities within the college.

Potential employees/volunteers will be requested to provide full details of the criminal record history at the earliest possible point i.e. when applying for a job vacancy or volunteering opportunity. Should they wish to do so, this may be provided under separate cover to the DBS Lead Signatory for consideration at the interview stage and a decision can be made on that basis, subject to receipt of any DBS check.

It will be made clear to all applicants that any offer of appointment is subject to the college receiving an acceptable DBS check and that a criminal record will not necessarily prevent them from receiving an offer of employment or volunteering opportunity.

The college will not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Further information is available in the UWC Atlantic College Recruitment of Ex-Offenders Policy.

OVERSEAS CHECKS

It may not be possible to access criminal record history from outside the UK. This will depend on the particular country and further advice should be sought from Atlantic Data Ltd and/or DBS. Where it is not possible to access such information recruitment decisions will be made based on the information available via the remaining pre-employment checks.

DBS REFERRAL

Where the College has reasonable belief that an employee or volunteer may have caused harm or may pose a future risk to children, the Lead signatory will make a referral to the DBS.

STORAGE AND ACCESS TO DISCLOSURE INFORMATION

Where written Disclosure information is obtained, it is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their

duties. In almost all cases the Disclosure information is viewed on-line as these are requested electronically. We maintain a separate log of all Disclosure information requested on the Single Central Register. This details the date of issue of DBS check, the name of the subject, the unique reference number and the name of college DBS signatory and the position for which the Disclosure was requested.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

SUPERVISED COMMENCEMENT

There may be some occasions where an employee or volunteer is urgently required to start work before receipt of the DBS check. Where considering this as an option the Line Manager must discuss the situation with the Lead DBS signatory who will complete a risk assessment taking account of the following:

- The applicant has produced acceptable identification documentation and has completed the DBS E-bulk checking process.
- There is a written reference from the current/most recent employer which confirms no safeguarding concerns
- Where the individual is not registered on the barred list
- Where the Line Manager is able to provide a written assurance to the Lead signatory that the individual will be appropriately supervised at all times and that this will be continually monitored pending receipt of the DBS check.

The final decision whether or not to permit a supervised commencement lay with the Lead signatory and it is the Line Manager's responsibility to ensure that the appropriate supervision is in place at all times.

For further information refer to the Supervision Policy.

EXISTING EMPLOYEES/VOLUNTEER RESPONSIBILITIES

It is the responsibility of all employees and volunteers to immediately notify the Lead DBS signatory if, following their appointment, they are subject to any criminal record, cautions or warnings or any changes to their existing DBS or clearance status, including any police investigation which may make it unsuitable for them to continue in their current role.