

## SAFER RECRUITMENT AND VETTING POLICY AND PROCEDURE

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**Equality Assessment:** Director of HR & Culture

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Version and Date		Actions/Notes
1.0	August 2024	Updated versions of KCSIE 2024 referenced in text New filtering rules updated from DBS in October 2023

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**Related policies or procedures or parent policy if applicable:**

Safeguarding Policy  
 Safe Management of Contractors Policy  
 Equality, Diversity & Inclusion Policy  
 Dignity & Respect at Work Policy  
 Data Protection Policy  
 Data Breach Policy  
 Health & Safety Policy  
 Professional Practice Policy  
 Recruitment & Selection Policy & Procedure  
 Social Media Policy  
 IT Acceptable Use Policy  
 Whistle-blowing Policy and Procedure

**Groups/bodies consulted in the development of the policy:**

Department for Education 'Keeping children safe in education' statutory guidance for schools and colleges – Sept 2024  
 Disclosure Barring Service  
 Association of Colleges  
 College Safeguarding Strategy  
 Gov.UK Safeguarding guidance

**To be published on College Website:**

Yes

**To be published on Student Hub:**

No

## 1 Introduction

- 1.1 The College is committed to providing an environment which recognises that the delivery and management of effective safeguarding of children and adults identified as 'vulnerable,' requires sound procedures, good inter-agency co-operation and highly competent and managed staff who are confident via on-going training and development.
- 1.2 This policy provides a framework, which incorporates the advised nationally recommended safeguarding practices, thereby ensuring that the College has in place a robust and rigorous recruitment and selection procedure, which precludes unsuitable applicants from gaining a position with the College.
- 1.3 To ensure a secure environment is maintained the policy covers (at para: 6.1 - 11.3) Visiting, Agency, Contracted and Casual Staff, Trainee & Student Teachers, Students on work placements, Staff, Governors and Volunteers' who are not directly employed by the College.

## 2 Legal

- 2.1 The College recognises its explicit duty to comply with all relevant statutory legislation, recommendations and guidance including:
  - the Department for Education (DfE) 'Safeguarding Children and Safer Recruitment in Education' 'Keeping Children Safe in Education' – September 2024.
  - In accordance with the 'Keeping Children Safe in Education' – September 2024 legislation all College staff are required to complete the Educare Child Protection Refresher' certificated e-learning safeguarding module refreshing annually, or according to statutory guidance.
  - the Prevent Guidance for England and Wales 2016, last updated April 2021
  - <https://www.gov.uk/government/publications/prevent-duty-guidance/prevent-duty-guidance-for-further-education-institutions-in-england-and-wales>
  - and any other code and practice published by the Disclosure and Barring Service (DBS) [New filtering rules for DBS certificates \(from 28 October 2023 onwards\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/new-filtering-rules-for-dbs-certificates-from-28-october-2023-onwards)
- 2.2 The policy also refers to the provisions of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 and defines the activities and work considered to be a 'regulated activity' (work that a barred person must not do.)
- 2.3 **The definition of 'regulated activity' in relation to children comprises:**
  - 2.3.1 **un-supervised activities**, namely to teach, train, instruct children, care for or supervise<sup>1</sup> children, or provide advice/guidance on well-being, and drive a vehicle only for children.
  - 2.3.2 **work undertaken by individuals in the College with the opportunity for contact**

Work carried out by volunteers supervised to a reasonable level, in accordance with the statutory guidance on supervision within the College is not a 'regulated activity.' However, a supervised paid College employee does come under regulated employee status because of the definition applied under the Safeguarding Vulnerable Groups Act 2006 as working in a 'specified place.'

2.3.3 The Safeguarding Vulnerable Groups Act 2006 provides that work under 2.3.1 or 2.3.2 is a 'regulated activity' only if it is:

- 'carried out frequently'
- Under the Act this is defined as once a week or more by the same person, or
- if the 'period condition' is satisfied
- Under the Act this condition is satisfied if the person carrying out the activity does so in the following circumstances:
  - 3 or more days in a 30-day period or,
    - overnight between 2.00 am and 6.00 am if it gives the person the opportunity to have face to face contact with children

2.4 Under the Protection of Freedoms Act 2012, the definition of 'regulated activity' in relation to adults (any person aged 18 years or over) removed the reference 'vulnerable adult.'

2.4.1 Under the Protection of Freedom Act 2012, an adult is regarded as 'vulnerable' if they require regulated activities to be provided on their behalf at a particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics, or circumstances of the adult receiving the activities. There is also no requirement for a person to do the activities a certain number of times before they are engaged in 'regulated activity.'

### 3 Policy Scope and Purpose

3.1 The Secretary of State has the power to bar anyone from employment as a teacher and from work involving regular contact with children or young people in schools and colleges. The College is under a statutory duty not to employ anyone that is barred by the Secretary of State whose name appears on any Vetting and Barring List.

3.2 There are three types of criminal record check that are available through the Disclosure Barring Service:

- **Standard DBS check** – this check only the information held on the Police National Computer, namely records of spent/unspent convictions, cautions, reprimands and final warnings
- **Enhanced DBS without barring information** - this contains the same Police National Computer information as the Standard level certificate plus other information held by police such as interviews and allegations. This information is relevant to the sector and must be approved by the police for inclusion on the certificate.
- **Enhanced DBS with barred list information** (for those individuals that fall under the definition of regulated activity) This type of check adds to the 'Enhanced' check the data sourced from the maintained DBS 'barred lists' of those individuals who are unsuitable for working with children and adults.

3.3 Under the Protection of Freedoms Act 2012, if a role ([Appendix E](#)) within the College requires an Enhanced DBS check the College will request if appropriate the barred list

check (for children, adults, or both.)

## 4 Equality and Diversity

### 4.1 Transgender applicants

The Disclosure Barring Service has a confidential checking process for Transgender Applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check. Further information from the DBS is available by telephoning: 0151 676 1452 (Monday to Friday, 9.00 a.m. – 5.00 p.m.) or by sending an e-mail to the DBS Transgender Applications Team, Customer Services Team, PO Box 165, Liverpool, L69 3JD. E-mail: [sensitive@dbs.gov.uk](mailto:sensitive@dbs.gov.uk)

## 5 Applicants who have lived outside the United Kingdom

5.1 All new staff providing education at the College who have lived outside the United Kingdom are subject to such additional checks as are deemed appropriate where the required DBS Enhanced Disclosure checks are not considered sufficient to establish suitability to work with Children and Adults in a regulated activity.

5.2 Applicants who have resided for six months or more outside the UK in the past 5 years will need to provide criminal convictions clearance from the country(ies) which they were residing in. This is because the DBS does not conduct checks abroad. Further advice on the criminal record information which may be obtained from overseas police forces is published by the Home Office and is shown on the website [www.gov.uk](http://www.gov.uk). The Department for Education has also issued guidance on the employment of overseas- trained teachers. This information provides detail on the requirements for overseas- trained teachers from the European Economic Area, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the USA.

5.3 Applicants requesting documents from overseas will be required where appropriate to pay for their translation into English.

Applicants who have lived overseas will be asked to contact the relevant Embassy to obtain either a 'Certificate of Good Character' disclosure, or similar appropriate criminal record check at their own cost. Upon receipt of the verified documents by the applicant it will be necessary before full clearance to work is issued that the original documents and disclosure should be given to the Human Resources Department. The DBS information line for overseas queries is: 0870 90 90 811 or the Foreign and Commonwealth website is: <https://www.fco.gov.uk> If the country is not listed, the relevant embassy or consulate can be contacted at <https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

Documents that are evidence of an individual's overseas identity will be retained securely by Human Resources in accordance with the UK Border Agency guidance for the duration of the individual's employment and for a further two years after the individual's employment with the College has ceased.

## 6 Visiting Staff

6.1 Visiting staff such as education mentors **who do not** have regular and unsupervised access to children will not receive a DBS check. The normal risk assessment that applies to all College visitors will be sufficient.

6.2 Visiting staff **who do** have unsupervised regular access to children and adults requiring 'regulated activities' such as educational psychologists and sports coaches – their

'providing organisation' will request the check. Human Resources will prior to an individual's commencement seek written confirmation from the respective agencies, thereafter annually that the appropriate checks, including the DBS checks have been carried out and by whom.

## **7 Agency, Contracted and Casual Staff**

- 7.1 Human Resources will seek written confirmation from the respective agencies that the appropriate checks, including the DBS barred checks have been carried out and by whom, providing where reasonable and practicable the necessary reference number.
- 7.2 If a contractor employed at the College is self-employed, the College will obtain the DBS check, as individuals working in a self-employed capacity are not able to make an application directly to the DBS on their own account.
- 7.3 Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engaged in regulated activity. The College Executive Leadership Team will on all occasions be responsible for determining the appropriate level of supervision depending on the circumstances.
- 7.4 The College will ensure that any contractor, or any employee of the contractor, who is to work on the premises, has been subject to the appropriate level of DBS check. Contractors engaging in 'regulated activity' will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in 'regulated activity,' but whose work provides them with an opportunity for regular contact with learners, an enhanced check (not including barred list information) will be required.
- 7.5 When an Agency has obtained an enhanced criminal record certificate, the Agency will confirm to the Human Resources Department in writing that the disclosure provides the full details, namely the Police have not using their common law powers under the Protection of Freedom Act 2012 passed on such relevant information to the Agency about the individual which they consider to be justified and proportionate and this has been withheld.
- 7.6 HR and Estates (as appropriate) will check daily that the person presenting themselves is the same person on whom the checks have been made.

## **8 Trainee/student teachers**

- 8.1 Where applicants for initial teacher training are salaried by the College, the College must ensure that all necessary checks are carried out. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check must be obtained.
- 8.2 In circumstances where trainee teachers are fee-funded it will be the responsibility of the initial teacher training provider to carry out the checks. The College will obtain confirmation from the provider that it has carried out all pre-employment checks the College would otherwise have been required to perform, and that the trainee/student teacher has been judged by the provider to work with the learners.

## **9 Students on work/volunteer placements**

- 9.1 A minimum age limit for criminal record checks has been set in the Protection of Freedoms Act 2012. This means that the College will not apply for a criminal check for individuals unless in circumstances of employment.
- 9.2 A separate procedure is provided for all categories of students who require checks i.e.

work/volunteer placements and the College will take all reasonable and appropriate steps to ensure that other employers comply with the DBS Code of Practice and the safeguarding legislative framework.

## 10 Staff

- 10.1 The College operates safer recruitment procedures by ensuring that there is at least one person on every recruitment panel that has completed Safer Recruitment training.
- 10.2 The College will ensure that the full range of employment checks for all Macclesfield College staff are carried out to minimise the possibility of any learners suffering harm from those whom they consider to be in positions of trust in whatever capacity.
- 10.2 Where a member of staff changes role and the role is directly concerned with dealing with College learners in the Safeguarding Children and Adult regulated categories, a further DBS Enhanced Disclosure with Barring Check will be carried out to update their record.
- 10.3 All College Child Protection Officers are required to have a DBS check every three years in accordance with 'Safeguarding best practice.'

The College will also renew DBS Certificates every three years for every member of staff and upon completion of presenting the certificate, the college will also enter the staff member on the update service [DBS Update Service - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If there is a break of service of 3 months or more a new DBS check will be carried out. All staff annually will be required to complete a self-declaration confirming their continuing suitability to remain in the employment of the College. This will require confirmation that they have not received or have pending any court appearances, cautions, warnings, convictions, orders or other determinations that would render them unsuitable from working with children or adults identified as vulnerable.

- 10.4 For the purposes of undertaking a DBS check, a 'child' is defined as an individual under the age of 18 years, except in employment situations where the age limit is 16 years.

## 11 Governors and Volunteers

- 11.1 College Governors who are volunteers should be treated on the same basis as other volunteers, that is, an enhanced DBS check with barred list check should only be requested if the governor will be engaged in 'regulated activity'.
- 11.2 All volunteers are required to undertake a formal safer recruitment interview. Full references including from the volunteers place of work are also sourced to confirm the volunteer's eligibility to undertake any future work within the College community.
- 11.3 All volunteers who are new to working in 'regulated activity' will in compliance with 'Keeping Children Safe in Education – 2023' guidance requires an Enhanced DBS certificate (which should include 'barred list' information.)

## 12 Employment checks

- 12.1 In addition to the above **mandatory employment** checks, the College will also, as part

of its safer recruitment and selection process, undertake the following checks on prospective staff, this will involve:

- verification of a candidate's identity from current photographic identity and current address (HR as 'best practice' will when checking the validity of all documents undertake this by meeting with the candidate). Checks will be undertaken in accordance with statutory guidance.
- During the shortlisting process, the College will seek authorisation from candidates to carry out an on-line search as part of the College's due diligence. This may assist in identifying any incidents or issues that have happened, and are publicly available online, which the College might want to explore with the applicant at interview.
- sourcing of a minimum of two written professional references (where appropriate one of the references must be from the most recent employment where the person worked with, or was in contact with children) to confirm previous academic and employment gaps (checking the reasons provided for any identifiable gaps). All references received will originate from a legitimate source and upon receipt will be checked to ensure that all specific questions have been answered satisfactorily. References will as appropriate be clarified with referees by HR in circumstances where replies are vague, or insufficient. Any discrepancies identified will thereafter be followed up with the candidate by HR. evidence of relevant qualifications and current memberships of professional bodies
- right to work within the United Kingdom through checking the authenticity of pre-employment documentation i.e. passport:
- a 'crown seal' watermark repeated down the right-hand side of the disclosure, which is visible both on the surface and when holding the disclosure up to the light.

If uncertainty prevails the status of the applicant's eligibility to work in the UK will be checked via [www.gov.uk](http://www.gov.uk).

- verify the candidate's mental and physical fitness to carry out their work responsibilities via the completion of the College's Occupational Health Form.
- ensure a review of all interview information to ensure that it is fully compliant with statutory and College requirements.

12.2 In addition, the College will undertake a List 99 (Prohibition) check as appropriate to check the status of staff who must not be employed in the further education and skills sector and will also advise of any disciplinary circumstances affecting the individual's employment at the College.

### **13 Appointment to post prior to receipt of a DBS check**

13.1 Managers wishing to appoint staff into post prior to the DBS check being received by the College may only do so in exceptional circumstances or when allowing an individual within a non-student facing role to attend induction training, or to undertake other duties which would not include them in engaging in any form of regulated activity.

13.2 The Recruiting Manager and HR will complete the Safer Recruitment Risk Assessment Form ([Appendix A](#)) prior to submittal to the Principal & Chief Executive/Deputy Principal.

### **14 General**

14.1 Any person refusing to be checked by the College will be unable to be employed, as this is a pre-requisite to offering or continuing in any contract of employment. The College will cover all fees paid to the DBS in the case of employees.

14.2 Staff leaving within one year of employment, or failing their probationary period will normally be required to repay the cost of their DBS

## **15 The secure storage, handling, use, retention of disclosures and disclosure information**

- 15.1 The College uses the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust and is committed to ensuring compliance with the respective Code of Practice for the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.
- 15.2 The College complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and the disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

### **Storage & Access**

- 15.3 Information disclosed on a certificate will never be kept on an applicant's personal file and will always be kept separately and securely in a lockable non-portable storage container, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **Handling**

- 15.4 In accordance with section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duties. The College maintains a record of all those to whom Disclosures or Disclosure information has been revealed and recognises that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

### **Usage**

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

### **Retention**

- 15.6 Once a recruitment (or other relevant) decision has been made, the College does not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the College will consult with the DBS and will consider the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding appropriate safe storage and strictly controlled access will prevail.
- 15.7 Once the retention period has elapsed, the College will ensure that any Disclosure information is immediately, and suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).
- 15.8 The College will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, the College will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## **16 Responsibilities for implementation of the Policy**

- 16.1 The College Corporation together with the Principal will be responsible for ensuring that a regular review of the effectiveness of this policy and procedure takes place



annually or in accordance with statutory change.

- 16.2 The Corporation will be provided with statistical data by the Director of Human Resources, which demonstrates the effectiveness of the process and which makes subsequent recommendations in development and guidance to support the implementation of the policy and procedure.
- 16.3 All managers will ensure that all aspects of the policy are adhered to in order to make certain that there is no discrimination against any employee.
- 16.4 It will be the manager's responsibility to ensure that risk assessments are carried out in accordance with this policy and procedure and particularly in the case of paragraph 12.1 above and this is approved by the Principal and Chief Executive.
- 16.5 It will be the responsibility of the manager to seek advice from the Principal, Deputy Principal, Director of Human Resources where an employee needs to be removed immediately from an area/activity where it is felt a learner may be put at risk.
- 16.6 It is the manager's responsibility to ensure that the Disciplinary Procedure, is where appropriate, invoked within ten days of the incident occurring and the member of staff must be removed from site during this time. The employee will have the right to be accompanied during this process by a nominated work colleague, trade union or staff representative whilst an investigation is carried out.
- 16.7 HR will support the manager in implementing the process at 16.6.
- 16.8 The College's responsibilities to other visitors, contractors, etc as indicated below will be to ensure they are signed in and out and are escorted whilst on the premises by a member of staff; this will include but not be limited to:
- visitors or contractors who come on to site only to carry out emergency repairs or service equipment who will not be left unsupervised on the premises
  - visitors who have specific appointments with staff who are only having brief contact and a member of staff is present
- 16.9 Whenever any type of building work is undertaken of any duration, the College will at the planning stage determine with the contractors and agree the safeguarding measures in relation to the work starting on site.  
The safe-guarding measures will then be detailed in the building contract. Thereafter, College staff affected will be briefed on the supervision required and the access arrangements with the contractor.
- 16.10 The HR Department will ensure compliance with the policy and be responsible for advising the Corporation on its effectiveness, by recommending where appropriate any revision and developments of the policy and procedure.
- 16.11 The Director of HR & Deputy Principal will jointly be responsible for ensuring all staff involved in the College recruitment and selection process undertake safer recruitment training which is refreshed every three years.
- 16.12 The Deputy Principal will be responsible for overseeing an annual safeguarding audit to ensure that all staff have undertaken the College induction /refresher safeguarding training and completed the mandatory PREVENT training to support compliance with the Prevent Duty.
- 16.13 The HR Department will be responsible for ensuring all new staff complete the Educare Safeguarding e-learning certificated Child Protection Refresher module and provide a

copy of their certificate to HR for retention in the Department and recording on the Single Central Record.

## 17 **Review and monitoring**

17.1 The policy and procedure will be reviewed on a regular basis according to legislative change. The initial review will take place one year after the policy and procedure comes into effect.

Appendix A - Safeguarding Risk Assessment: Supervision pending DBS disclosure

Appendix B - Recruitment of Ex-Offenders Statement

Appendix C - Rehabilitation periods for certain types of sentence/disposal under the 1974 Act (as amended by the Legal Aid, sentencing and Punishment Act 2012 that came into effect on 10 March 2014)

Appendix D - Examples when DBS Enhanced checks with barring information is required

## 18 **Single Central Record of Recruitment Vetting Checks**

18.1 The College's Single Central Record of recruitment checks maintained by the HR Department will record:

- all staff who are employed to work at the College, and those staff providing further education, regularly caring for, training, supervising, or being in sole charge of children and all other staff who have been employed to work in regular contact with children
- all staff who are employed as supply staff providing education to the College, whether employed directly by the College or through an agency
- any volunteers that the College has recruited to work regularly with children and for whom DBS checks have been requested because they are working unsupervised
- people brought into the College to provide regular additional teaching or instruction who are not staff members; for example, a specialist sports coach
- confirmation and the details of whether the individual's identity was checked
- whether the individual has been living outside the United Kingdom, whether further checks considered appropriate in respect of the person has been carried out
- whether a check has been carried out to confirm that the person has a right to work in the United Kingdom

18.2 The Single Central Record will record the date when the check was completed, or the relevant certificate obtained and will document who carried out the check.

18.3 In recording individual educational attainment, the primary qualifications required to perform the responsibilities of the role will be recorded i.e. PGCE or Cert Education.

## 19. **Data Protection**

19.1 The College complies with the Data Protection Act 2018 and the General Data Protection Regulation, and processes all personal data in accordance with its Privacy Notice. The Privacy Notice is available to view on the College website and can also be printed and sent to candidates on request by the HR Department.

19.2 We are legally required to carry out the pre-employment checks detailed within this procedure. To enable us to complete these checks employees and prospective

employees will be required to provide certain information to the College. We will also be required to provide certain information to third parties, such as the Disclosure & Barring Service and third parties whom we contract with to provide pre-employment checking services.

- 19.3 A failure to provide the requested information may result in the College not being able to meet our employment, safeguarding, or legal obligations.

## Appendix A

### **SAFEGUARDING RISK ASSESSMENT: SUPERVISION PENDING DBS DISCLOSURE**

It is a legal requirement that all new staff appointed to the College who are providing education and regularly caring for, teaching, training, instructing, supervising or being solely in charge of persons under 18 years and/or adults who require ‘**regulated activities**’ to be provided on their behalf at a particular time **MUST have the appropriate type of Enhanced DBS disclosure with children and or adult barred list information.**

The policy of the College is that staff working for the College will have one of the levels of Enhanced DBS Disclosure. The Governing Body may also be subject to checks and this will be handled by the Human Resources Department. All contractors and visitors (working in the College for a period of time) will also provide written confirmation that their staff have been checked as this forms part of any contract with the College.

In circumstances where a DBS Disclosure is pending, the Principal/or Senior DSL(Deputy Principal) (in their absence) has the discretion to allow an individual to commence work, **PROVIDED** that the following Risk Assessment Form is completed and the name of the Line Manager is provided. This permission will only be given once all of the other Vetting and Barring Checks have been carried out and prove satisfactory. Completion of this Risk Assessment Form is compulsory by the appropriate line manager. Once completed it should be forwarded to the HR Department who will check the detail and place the Assessment before the Principal/or Senior DSL (Deputy Principal) for their consideration.

This Risk Assessment applies to staff working on or off the main College site.

#### **LINE MANAGER TO COMPLETE:**

Name of new member of staff:

Department:

Proposed start date:

Brief Description of their Job Role.
What is their previous experience and do they currently hold a DBS?
If they hold a current DBS what is the Disclosure Number?
Who will their Line Manager be (e.g. contact name)?
Briefly describe the supervisory arrangements and restrictions to their role that are proposed (these will typically include wearing a visitor’s badge at all times, regular rotation of duties, restriction of movement to social areas of the College, being accompanied and supervised at all times)

Briefly describe the business reasons why the new starter needs to join the College urgently

**HR Department to complete**

Have all reference checks been completed (including the most recent employer)? YES/NO

Are the references received satisfactory? YES/NO

Barred list check and date: YES/NO

DBS check applied: YES/NO Ref No: Level:

Any other relevant information: (i.e. current photo identity of individual produced, IFL number and teaching qualifications verified if appropriate, any gaps in employment explained)

**I understand that this person will not have access to any student or any staff data while employed under this arrangement**

Signed: (Line Manager)

Date received by HR: Date forwarded to Principal/Deputy Principal:

Decision of Principal and Chief Executive/Deputy Principal

I have considered the risk(s) involved and the Risk Assessment is approved/not approved

Signed Date

This risk assessment is valid until --/--/-----only.

**This form must be destroyed upon receipt of a cleared enhanced DBS certificate.**

## **Appendix B**

### **Policy Statement on the Recruitment of Ex-Offenders**

It is a requirement of the Disclosure and Barring Service (DBS) Code of Practice that all Registered Bodies must treat DBS applicants who have a criminal record fairly and must not discriminate because of a conviction or other information revealed. It also obliges Registered Bodies (the College) to have a written policy on the recruitment of ex-offenders; a copy of which should be given to DBS applicants at the outset of the recruitment process.

The Policy Statement will also accompany the College's Equality, Diversity & Inclusion Policy.

#### **Statement**

- As an organisation assessing applicant's suitability for positions which are included in the Rehabilitation of Offenders Act 1974 Exceptions Order (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012) using criminal record checks processed through the Disclosure and Barring Service (DBS), The College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. The College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Where a DBS check is to form part of the recruitment process, the College will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. The College will request that this information is sent under separate, confidential cover, to the Human Resources Department. The College guarantees that this information will only be seen by those who need to see it as part of the recruitment process.
- The College can only ask an individual to provide details of convictions and cautions that the College are legally entitled to know about. Where a DBS certificate at enhanced level can be legally requested, (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012), and where appropriate the Police Act Regulations as amended, the College can only ask an individual about convictions and cautions that are not protected.
- The College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for its dependents, age, physical/mental disability or offending background.
- The College has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- The 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.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts, job descriptions and recruitment briefs will contain a statement that an application for a DBS certificate will be requested in the event of the individual being offered the position.
- The College will ensure that all individuals involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The College will also ensure that all staff 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 – changes with effect from 10 March 2014 to rehabilitation periods as contained in section 139 of the Legal Aid, Sentencing and Punishment Act 2012.

With regard to the changes, all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and adults in a regulated activity, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence will when applying for jobs remain subject to disclosure for the rest of the individual's life, as will all convictions where an individual has more than one conviction recorded.

Initial guidance and criteria about the Rehabilitation periods for certain types of sentence /disposal under the 1974 Act (as amended by the by the Legal Aid, Sentencing and Punishment of Offenders Act 2012) is detailed below in Appendix D below.

Additional supporting information in respect of the above can also be sourced from the Disclosure Barring Site website [www.gov.uk/government/publications/dbs-filtering-guidance](http://www.gov.uk/government/publications/dbs-filtering-guidance)

This website contains full details of the filtering rules and a list of offences which will never be filtered. Alternatively, applicants may seek further guidance on the 'filtering rules' by contacting the DBS. Contact number: 0870 909 0811.

- 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.
- The College makes every subject of a criminal record check submitted to the DBS aware of the existence of the Code of Practice and makes a copy available on request.
- Having a criminal record will not necessarily be a bar from working at the College. It will depend on the nature of the position and the circumstances and background of the offence.
- The College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- The College will ensure in accordance with the Code of Practice for Disclosure & Barring Service Registered Persons that in its Data Handling it will comply with the security requirements under Principle 7 of the Data Protection Act.

## Appendix C:

**Rehabilitation periods (Legal Update 2019) for certain types of sentence/disposal under the Rehabilitation of Offenders Act 1974 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012) which was brought into force on 10 March 2014.**

Sentence/disposal	Rehabilitation period if aged 18 or over when convicted/disposal administered	Rehabilitation period if aged under 18 when convicted/disposal administered
A custodial sentence of over 48 months	Never spent	
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any license period) is completed)	42 months from the date on which the sentence (including any license period) is completed)
A custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any license period) is completed	24 months from the date on which the sentence (including any license period) is completed
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any license period) is completed	18 months from the date on which the sentence (including any license period) is completed
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Conditional caution	3 months from the date on which the caution was given, or (if earlier) when the caution ceases to have effect	
Simple caution, youth caution	Spent immediately	
Compensation order	On the discharge of the order (i.e. when it is paid in full)	
Absolute discharge	Spent immediately	Spent immediately
Caution, warnings, reprimands	None	None
Conditional discharge, binding over, supervision order	End of order	End of order
Driving Disqualification	When the period of the disqualification has passed	When the period of the disqualification has passed
Driving endorsements	5 years from the date of conviction	5 years from the date of conviction



## **Appendix D**

### **Examples when DBS Enhanced checks with barring information are required:**

The College can only apply for a DBS enhanced checks with barring check if the position falls under the Disclosure Access Category codes i.e.:

- all academic posts
- any employment or other work where the normal duties involve caring for, training, supervising, or being solely in charge of persons aged under 18 years or adults in 'regulated activity.'

In the event of uncertainty re the level of the check, please contact the HR Department who will be pleased to assist you.