

Disclosure and Barring Service (DBS) Policy

Policy/Procedure Title	Disclosure and Barring Service (DBS) Policy
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Section 1

Introduction

As part of the compulsory pre-employment screening process to ensure “fitness to work”, which includes Occupational Health screening and reference checks, prospective employees are subject to a check on any criminal background. Checking is very strictly regulated under the Data Protection Act and is undertaken by the Disclosure and Barring Service (DBS).

Working at Abingdon and Witney College, a further education institution, will involve employees and workers having regular contact with persons under the age of 18 and therefore DBS Checks will be carried out on all prospective employees, contractors, agency workers, consultants and volunteers.

Background

The Safeguarding Vulnerable Groups Act 2006 provides that “any educational establishment that is ‘exclusively or mainly for the full-time education of children’ is a specified place. As such all workers employed in such establishments are engaging in regulated activity, regardless of the job they are doing.

The definition of the “educational establishment” in the Safeguarding Vulnerable Groups Act 2006 with regards to the provision at Abingdon and Witney College, determines that due to the fact it has vulnerable adults and 14-18 learners attending College in the day when staff are on site and working – it falls under the definition of the “educational establishment”. Consequently all staff and workers are carrying out regulated activity and so barred list checks and enhanced DBS checks will be carried out.

Having a criminal record will not automatically debar a person from being appointed; in fact in most cases it is unlikely to affect the decision to appoint. Relevant information may be recorded on the employee’s risk assessment. All employers using the services of the DBS are required by their Code of Practice to have a Policy on the employment of ex-offenders to ensure that all applicants for positions who have a criminal record are treated fairly and are not discriminated against unfairly on the basis of conviction or other information revealed. The College has adapted the DBS’s standard model policy (see Section 2).

The Secretary of State has the power to bar persons from employment as a teacher, and from work involving regular contact with children or young persons under 19 years of age, in Schools and Colleges. The College is under a statutory duty not to employ anyone who is barred by the Secretary of State and whose name appears on the ‘Barred List’ (a confidential document maintained by the Department for Education and Skills). The DBS also carries out a check against the ‘Barred List’ and this will be included in any disclosure requested by the College.

All offers of employment are conditional upon receiving a satisfactory DBS Disclosure Check. A DBS application form and guidance notes are enclosed with the conditional offer letter. It is for the prospective employee to complete and sign the form and return to the HR department with original documentation, as required by the DBS. The documentation and form are checked and the form countersigned by either the College's Lead Signatory (Head of HR) or a Registered Counter-signatory (HR Business Partner or HR Adviser), before being dispatched to the DBS for processing.

Application

This policy applies to all staff (full, part time or hourly paid), volunteers, casuals and students undertaking work experience which involves working with young and vulnerable people.

Section 2

Recruitment of Ex-Offenders

Policy Statement

- As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Abingdon and Witney College complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS Check on the basis of conviction or other information revealed.
- The College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sex, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
- The College has a written Recruitment and Selection Policy, which does not discriminate against ex-offenders, and is available to all upon request.
- The College actively promotes equality of opportunity and diversity for all with the right mix of talent, skills and potential, and welcomes applicants from a wide range of candidates, including those with criminal records. Candidates are selected for interview based on their relevant skills, qualifications and experience.
- All application forms, job adverts and recruitment packs contain a statement that a DBS Check will be requested in the event of the individual being offered the position.

- The College encourages applicants to provide details of their criminal record including all spent and unspent convictions, cautions, reprimands and final warnings, at an early stage in the application process. This information may be sent under separate, confidential cover to the Lead or Counter-signatory (Head of HR, HR Business Partner or HR Adviser). The College's policy is that this information is only seen by those who need to see it as part of the recruitment process, will be kept strictly confidential and destroyed within two months of receipt of the disclosure.
- The College will ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offenders, and 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 (and its exceptions), as part of the College's Recruitment & Selection Training. This training is carried out by the Oxfordshire Safeguarding Children's Board (OSCB).
- The College will require the applicant to provide the DBS disclosure certificate to the College before employment can be confirmed and within 48 hours of it being dispatched by the DBS. Failure to do so will result in disciplinary action being taken.
- The College will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position, at interview, or in a separate discussion. Applicants will be informed that failure to reveal information could lead to withdrawal of a conditional offer of employment.
- The College will make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- The College will undertake to discuss any matter revealed in a DBS Disclosure with the applicant before withdrawing a conditional offer of employment.

Section 3

Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure of Information

The handling of Disclosure information provided by prospective employees, either received directly from the prospective employee or from the DBS, is restricted to the Lead Signatory (Head of HR) or the Counter-signatory (HR Business Partner or HR Adviser).

Storage and Access

Disclosure information 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.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only 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. The College recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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

Disclosure certificate numbers are noted on the individual's personal file.

Disposal

The College will not keep any photocopy or other image of the Disclosure or any copy of representation of the contents of a Disclosure. The College will ensure that any Disclosure information is immediately destroyed by shredding.

Acting as an Umbrella Body

Before acting as an Umbrella Body on behalf of other employers, the College will take all reasonable steps to ensure that they comply fully with the DBS Code of Practice.

Other policies to refer to:

- Staff Disciplinary Policy
- Safer Recruitment Policy
- Student Disciplinary Policy
- Student Admissions Policy