

**POLICY**

It is the College's responsibility to ensure, as far as is reasonably practicable, the health and safety and welfare of its students, staff and any other persons who may be affected by its activities. In particular the College will take all reasonable steps to prevent any possible risks of harm or abuse to children under 18 years of age or adults that may be vulnerable by the "prevention of unsuitable people from working with children and young persons" in line with Health and Safety and Safeguarding Regulations and the Child Protection Act 1999 and Safeguarding Vulnerable Groups Act 2006. The College Policy complies with the changes outlined in the Protection of Freedoms Act 2012.

The College operates a comprehensive vetting procedure for all staff that are appointed, in line with the College's Recruitment and Selection procedures, and regards safeguarding as a high priority. The Human Resources Department is responsible for maintaining accurate records of all staff checks.

**Supporting documentation:**

- Student Standard Police/Criminal Record Disclosure

**Links to other policies:**

- Single Equality Scheme
- College Safeguarding Policy
- Data Protection Policy
- College Procedures for the recruitment, selection and induction of staff
- Recruitment of Ex-Offenders
- Volunteer Policy

## 1. EXECUTIVE SUMMARY

The following outlines the College policy and procedures for disclosure, barring and verification procedures for staff and students in line with changing legal requirements and guidelines. The procedure links closely to the recruitment and selection procedures for staff.

- 1.1. The College mainly provides full time education for under 18 students ("children"). Through a risk assessment process the College has identified that, as a "specified place" under the definition of a "regulated activity" all staff, whether teaching or business support staff, have the opportunity for close or regular contact with children under 18, or adults that may be vulnerable, and therefore the College will undertake Enhanced Disclosure and Barring Service (DBS) checks for a Regulated Activity on all staff with a check against the Children's and Adult's Barred List.
- 1.2. Under the Disclosure and Barring Scheme revised regulations from September 2012 a "regulated activity" is defined as working in an unsupervised capacity in teaching, training, instructing; or providing care for or supervising children; or providing advice or guidance on well being, personal / health care; or driving a vehicle for children / adults that may be vulnerable. As primarily an under 18 Further Education institution, the College qualifies as a "regulated activity" on the basis of a "specified place"

## 2. CONTEXT

- The Safeguarding Vulnerable Groups Act 2006
- FE (Providers of Education England Regs) 2006
- Child Protection Act 1999
- Safeguarding Children & Safer Recruitment in Education January 2007
- Independent Safeguarding Authority (ISA) Vetting & Barring Scheme
- Rehabilitation of Offenders Act 1974
- Data Protection Act 1998
- The Police Act 1997
- Immigration, Asylum & Nationality Act 2006

## 3. STAFF VERIFICATION PROCEDURES

### 3.1. STAFF APPLICATION FORMS

- 3.1.1.1. In line with the College recruitment and selection procedures all staff (salaried or part time) must complete a staff application form prior to interview which requests declaration of all previous convictions, including bind-over orders or cautions, current or "spent" in line with the Rehabilitation of Offenders Act 1974, which will be taken into account, (although may not preclude employment), when making the final selection decision. Applicants are informed on the staff application form that "A DBS certificate will be required should the application being successful". New appointees will be informed in advance of the requirement of an Enhanced DBS check for Regulated Activity and relevant payment. The completed Staff Application form will then trigger a number of employee checks listed in the offer letter.

### 3.2. EMPLOYEE CHECKS

- 3.2.1. Two references, including one from the current/most recent employer, are taken up for all new employees as soon as practicably possible upon appointment. Any breaks in employment, evidenced on the staff application form, will be followed up. All written offers of employment will be "subject to the receipt of references satisfactory to the College, and DBS Clearance". Further documents required for verification include List 99 checks, where

applicable, suitable proof of identity to verify the right to work in the UK and academic/professional qualifications with particular emphasis on teaching qualifications. The Human Resources Department will be responsible for the processing of offer letters, all employee checks, monitoring and maintenance of accurate records.

### 3.3. **DISCLOSURE & BARRING SERVICE CHECKS**

- 3.3.1. The Human Resources Department will be responsible for processing DBS checks for all new staff and existing staff.
- 3.3.2. All new staff will be informed at the time of offer that an Enhanced DBS check for Regulated Activity will be required.
- 3.3.3. The Human Resources Department follows up List 99 and the "right to work in the UK" staff checks prior to commencement of employment; and processes offer letters to new staff for so that other checks can be made to include the Enhanced DBS check, in line with the College Recruitment and Selection procedures. Any employees posing a risk of harm to children and adults that may be vulnerable, following either a List 99 or Enhanced DBS check will be notified immediately to the Disclosure and Barring Service by the Human Resources Department.

## 4. **COLLEGE POLICY & PROCEDURES FOR DISCLOSURE AND BARRING CHECKS**

- 4.1. **ALL STAFF** (salaried or part time/paid or voluntary/teaching or business support), including transfers and Governors, will be subject to an Enhanced DBS check for Regulated Activity with a check against the Children's and Adult's Barred List. New staff will be required to provide an original valid Enhanced DBS certificate which is acceptable to the College or be required to complete a new application.
- 4.2. New staff (**\*with the exception of staff who are in direct, regular contact with the Care Industry or staff providing health and personal care to vulnerable groups**) who have already obtained an Enhanced DBS Certificate via another Employer within the preceding 12 months, may submit their previous original certificate for verification to the Human Resources Department. Normally certificates that have been issued within 12 months will be acceptable to the College. However the College reserves the right to request employees to re-apply for an Enhanced DBS check for any reason, where there are concerns about suitability to work with children, either upon appointment or at any other time during employment.
- 4.3. Upon confirmation that the original certificate is valid the details will be recorded on the Human Resources database N.B DBS Certificates that are over 12 months old will **not** be accepted.
- 4.4. New staff who do not have a previous Enhanced DBS Certificate will need to complete a DBS Application Form for an Enhanced DBS check for Regulated Activity, and bring this, together with the relevant original documents for verification, to the Human Resources Department. Details of DBS requirements, together with the application form and guidance notes will be sent out to the employee with the offer letter.
- 4.5. **New staff who are in direct, regular contact with the Care Industry or staff providing health / personal care to vulnerable groups** e.g. Progression Support Assistants, Learner Mentors and Lecturers in Care are required to re-apply for a new Enhanced DBS Certificate upon appointment, regardless of the date of the last Enhanced DBS check. Staff involved with young children and staff working with Pre 16 students will be subject to renewal of the Enhanced DBS check every 3 years.

4.6. With effect from 17 June 2013 the DBS launched an "Update Service", which allows individuals to subscribe to the service, at an annual fee of £13, for an update on their DBS Disclosure. The College encourages staff to subscribe to this service. The service allows staff to retain their DBS certificate for other roles in the future and avoids the necessity to complete further applications and incur additional costs. The DBS certificate is retained by the employee only and the College requests sight of this for verification purposes. However the College is able to carry out free online checks on the DBS secure website, providing the individual has prescribed to the Update Service and consented to the check.

4.7. **Each new member of staff is risk assessed in relation to the nature of their role and responsibilities in line with the requirements of a Regulated Activity.**

## 5. COST OF DISCLOSURE & BARRING CHECK

5.1. All staff should have an Enhanced DBS check for Regulated Activity. New employees are liable for the cost of the Enhanced DBS check, **with the exception of the following categories**, where the College will fund the cost. Any further exceptions on payment of DBS checks will be at the discretion of the Principal.

- *Volunteers \*(free)*
- *Governors*
- *Existing teaching staff transferring to Pre-16 teaching*
- *College nominated First Aiders*

\*Volunteers

References will be taken up for all volunteers. In addition volunteers who have the opportunity for close or regular contact with under 18s or adults that may be vulnerable as part of their volunteer role will be subject to an Enhanced DBS check for Regulated Activity with a check against the barred lists. All volunteers will be offered relevant training to assist them in their role and this will be discussed during induction. Volunteers will be able to access the same in house training opportunities as other College staff.

## 6. RISK ASSESSMENTS

6.1. Through a risk assessment process, in line with legal guidelines, the College is designated a "specified" place" as a Regulated Activity (providing mainly education for full time "children") and therefore requires Enhanced DBS checks for Regulated Activity with barred list checks on all staff.

6.2. The Human Resources Department is responsible for the DBS application process, monitoring and recording procedures for all staff. It is the College policy that, where applicable, a List 99 check and the "right to work in the UK" is verified before the appointment date and the DBS check is processed as soon as is practicably possible upon appointment. Where receipt of an Enhanced DBS check from the Disclosure and Barring Service is awaited, a risk assessment will be completed in conjunction with the relevant Manager and procedures put in place for the new or transferred member of staff to operate in a supervised capacity, if in regular contact with under 18 students, until the Enhanced DBS Certificate is received. The Human Resources Department will inform the Department immediately upon receipt of the Enhanced DBS Certificate.

- 6.3. If upon receipt of an Enhanced DBS Certificate, there are previous convictions listed, the Director of Human Resources/Assistant Human Resources Manager will assess the risk by completing a risk assessment and initially discussing the situation confidentially with the Line Manager in relation to the role performed by the employee. A decision will be reached between the Line Manager and the Director of Human Resources whether to continue the employment of the employee, dependant on the severity and nature of the conviction and its relevance to the post. A separate meeting may take place with the Director of Human Resources/Assistant Human Resources Manager and the employee to investigate the circumstances further. The final decision whether to continue the employment rests with the Director of Human Resources in conjunction with the Line Manager. All discussions will remain strictly confidential and a completed risk assessment will be retained on file.

## **7. STUDENT VERIFICATION PROCEDURES**

- 7.1. In most cases, students on work experience will not operate in an unsupervised capacity with children under 18 or with adults that may be vulnerable and therefore will not be required to have an Enhanced DBS check for Regulated Activity.
- 7.2. Students on work experience or work placement which will or may involve working with children under 18 or with adults that may be vulnerable, for short periods or working under supervision, or as part of a course which involves direct contact with members of the public and or work in organisations that operate with a high degree of security (for example in child care or child-related courses), will be required to complete a College STANDARD "Student Police/Disclosure & Barring Service" form. Course tutors will be responsible for the administration of College "Student Police/Disclosure & Barring Service" checks. Forms are available from the intranet or the Human Resources Department. Copies of completed student forms should be retained within the School/Department for reference purposes. Course tutors should check with individual work place providers/external Awarding Bodies whether alternative vetting procedures are necessary.

### **7.3. COURSES REQUIRING DISCLOSURE & BARRING SERVICE CHECKS**

- 7.3.1. Students who will undertake teaching practice with children under the age of 18 and students who will be responsible for caring for, training, supervising or being in sole charge of children on a regular basis, as part of their course or who will have unsupervised access to children as part of the course, will need to obtain an Enhanced DBS check for Regulated Activity with a check against the barred lists before the start of the course. For example teacher trainees, students on work experience/work placement in child care or child related courses, who will be working with children or vulnerable groups in an unsupervised capacity.
- 7.3.2. The College will ensure relevant DBS checks are undertaken for students enrolled on specific courses, in line with the awarding body and work placement provider requirements. Children under 16 will not be eligible for DBS checks.
- 7.3.3. Examples of courses requiring Enhanced DBS checks are, but are not limited to:

- Teacher Training
- Diploma in Children and Young Peoples Workforce
- NCFE Classroom Assistant

- 7.3.4. Students will be liable for the cost of the DBS checks, which may be taken into account with the course fees. Under normal circumstances the College will not require the student to reapply for a DBS check, providing the student continuously remains a student at the College and providing work placement employers do not require further checks.
- 7.3.5. Existing students may be required to obtain a DBS check at any time should there be grounds for concern about the person's suitability to work with children or if they have transferred to a course with significantly greater responsibility for children, providing they are 16 or over.
- 7.3.6. Student Services staff, in conjunction with course tutors, should inform students of the DBS check requirements and procedures, including the cost. The Student Services Department, in conjunction with specific course tutors, will be responsible for the administration of DBS checks for students and therefore act as counter signatories, with the exception of Teacher Training Trainees where DBS checks will be administered via the relevant employer. The Student Support Services Manager and relevant Heads of School will be responsible for the monitoring and maintenance of DBS checks for students, in conjunction with the Human Resources Department.

N.B The College reserves the right to amend these procedures from time to time in line with Government guidelines.

**STUDENT STANDARD POLICE/DISCLOURE & BARRING SERVICE CERTIFICATE**

Students at Craven College may be required as part of their course to attend work placements that involve working with children under 18 or vulnerable groups or working in direct contact with members of the public and/or organisations that operate with a high degree of security. **Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, you are required to declare any previous convictions, bound over orders or cautions.**

The information will only be used by the College for the purpose of arranging work placements which are appropriate to the student's programme of study.

This information will not automatically preclude you from attending work placements.

Any information given will be treated as confidential under the terms and principles of the Data Protection Act 1998.

**Do you have any current or spent police/criminal convictions?** **Yes/No**  
**If 'yes' please give details**

Offence	Date of Conviction	Penalty

**Have you ever been cautioned by the police?**

**Yes/No**

**If 'yes' please give details**

Offence	Date of Caution

**Is there any other information that you feel the College should be aware of?**

**Please give details**

**If it is subsequently discovered that you have wilfully or negligently given false information or withheld information, this will necessitate disciplinary action, which may result in you being excluded from the course.**

I am aware of the necessity to inform the College of any criminal convictions which I might receive during the course of my period of study.

I understand that the College reserves the right to bring to the attention of any relevant third party any of the information which I have disclosed, with my prior knowledge.

I confirm that I have read and understood the above and that this is a true and accurate record.

Name of Student: (please print)

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Signature of Student: ..... Date: .....

Signature Parent/Guardian **(if under 18 years only):**

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**To be returned to the Course Tutor and retained on the School/Department file**