

DBS Procedure 2022/2023



Policy Cover Sheet

Please fill in the following details:

Policy Name	DBS Procedure (incl recruitment of ex-offenders)
Version Number	V
Policy Owner	Alison Underwood
Release Date	
Policy valid for	2 years

Documents included:

Completed Checklist (below)	
Policy text	
Filled in EIA	

Where should this policy be shared? All policies will be shared on the HUB.

The HUB	X
Net Consent	
Website	X

Policy Checklist

Have you completed the following tasks:

Used the Microsoft Accessibility Checker	
Used formatted headings	Y
Used Arial 12pt font	Y
Included numbered paragraphs	Y
Included page numbers	Y
Included alternative text for all images which accurately describe what's in the picture	n/a
Checked for gender neutral language e.g. remove dinner ladies, workmen, he/she and replaced with servers, contractors, they.	Y
Used the full phrase instead of the acronym at least the first time	Y
Used the spelling and grammar check	Y
Gained feedback from colleagues to ensure the policy is clear and accurate	
Included any legal, social or organisational changes since the last policy review	Y
Reviewed the connected policies to ensure they are still active	Y
Filled in the change log	Y
Listened to the policy using the accessible reader	
Reviewed the policy flowchart	Y
Informed the EDI Manager of upcoming policy deadlines	

Sign Off: To be filled in by the named person only

	Name	Date
SLT		

Corporation (if required)		
Trade Union		
EIA		

Change log

Version number	Changes description	Major changes? Y/N	Initiator	Rationale	Date of completion	New version number
V1		N	AU		Nov 22	

1. INTRODUCTION

As part of the College's commitment to safeguarding, all those working at Hopwood Hall College will be subject to background checks to assess their suitability for working with children and in some cases vulnerable adults. Disclosure and Barring Service (DBS) checks form part of these background checks.

2. SCOPE

2.1 All employees of the college are required to have had an enhanced DBS check with barred list check for working with children. For those staff working with vulnerable adults in a regulated role or managing those who are, an adult barred list check must also be done. Checks may be renewed for staff as and when the college deems appropriate, in line with safeguarding good practice

2.2 DBS checks are done as part of the safer recruitment practices undertaken by the College prior to appointment in the role. The college does not solely rely on DBS information for making recruitment decisions as it does not guarantee an individual's suitability for working with children and vulnerable adults.

2.3 This guidance also details the process for ensuring correct checks are completed for contractors/sub-contractors, agency workers, volunteers, teacher training students and Governors, working or carrying out activities on behalf of Hopwood Hall College. (These individuals will be referred to as 'non-employed workers' for the purpose of this document)

2.4 This procedure aims not to discriminate either directly or indirectly against any individual on grounds of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race, sex or sexual orientation.

3. AIM

The purpose of this procedure is to set out the process for undertaking DBS checks for potential and current employees and how it does this fairly, consistently and in line with the DBS Code of Practice.

4. ROLES AND RESPONSIBILITIES

4.1 The HR Department is responsible for carrying out DBS and barred list checks for successful applicants, existing employees and non-employed workers. HR also manage the process for dealing with positive disclosures.

4.2 Applicants are responsible for complying with the DBS application and verification process and disclosing information relating to 'spent' and 'unspent' criminal convictions, cautions and reprimands or prosecutions pending in line with the Rehabilitation of Offenders Act 1974 and subsequent amendments, failure to do so may result in an employment offer being withdrawn.

4.3 Existing employees are responsible for complying with the DBS application and verification process and disclosing information relating to 'spent' and 'unspent' criminal convictions, cautions and reprimands or prosecutions pending in line with the Rehabilitation of Offenders Act 1974 and subsequent amendments, failure to do so may result in disciplinary action.

4.4 All individuals involved in the recruitment, selection and management of staff are responsible for ensuring that the procedures outlined are followed. Individuals making separate arrangements for candidates outside of this policy will be compromising the college's safeguarding obligations and could result in disciplinary action.

4.5 The Senior Leadership team (SLT) may get involved in decisions around individuals with a positive disclosure.

5. PROCEDURE

5.1 DBS checking steps

- Following a provisional offer of employment, the successful applicant will be sent a link to the college's online DBS checking provider to complete an application form. HR will determine with the line manager which workforce to check (child or adult & child) and whether an adult barred list check is required.
- The applicant needs to bring to HR at least 3 forms of ID in line with the DBS ID checking guidelines <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-standardenhanced-dbs-check-applications-from-1-july-2021> so their identity can be verified. If any of the documents are in a different name, a legal document showing the name change should also be provided.
- HR will complete the verification stage of the application and submit to the DBS (the cost for the check will be deducted from the employee's first salary).
- Once the DBS have done the check, they will issue the certificate to the employee and an outcome will be shown on the online system
- The employee should then bring their certificate in for HR to view, if the certificate contains no information, the process is complete. The certificate should be retained by the applicant for their own records.

5.2 Starting without a DBS

The college will only allow individuals to start work before the DBS Certificate has been received if a barred list check has been completed and references received (apart from in exceptional circumstances that must be agreed by a member of SLT). In these instances the 'Starting without a DBS' risk assessment must be completed and any adjustments (such as increased supervision and no lone working) agreed with the line manager and communicated to the employee by them (see appendix 1). A copy of the risk assessment will be saved on the employee's HR file. If the DBS or barred list check bars appointment, then the appointment is automatically unlawful and the person must not be appointed to the post and must be referred to the LADO immediately.

5.3 Declarations & Positive disclosures

5.3.1 Due to the nature of the college's work and the roles within it, all selected applicants and college employees are obliged to declare if they have 'spent' and 'unspent' criminal convictions, cautions and reprimands or prosecutions pending in line with the Rehabilitation of Offenders Act 1974 and subsequent amendments. Having a criminal record is not necessarily a bar to working at the College although having certain criminal convictions may preclude individuals from working at the College or in certain posts. Where a criminal record has been declared or revealed on the DBS certificate, a risk assessment must be undertaken prior to a decision to employ is made (see appendix 2). If the person is barred from working with children or adults, the appointment

is automatically unlawful and cannot be continued, the LADO must be informed immediately.

5.3.2 If the DBS certificate reveals any information relevant to the job, the HR Department will arrange to meet the applicant and line manager to clarify the background to the offences. There should be an open discussion where individual is allowed to give a full account of the circumstances of the offence, of any extenuating circumstances, their efforts to avoid re-offending and any other relevant information. HR will then complete the Positive DBS risk assessment form (see appendix 2). Each criminal disclosure will be reviewed on a case-by-case basis; however, the following are examples of issues that will be considered as part of the risk assessment:

- Whether the conviction or other matter revealed is relevant to the position in question;
- The seriousness of the offence or other matter revealed;
- The length of time since the offence or other matter occurred;
- Whether the applicant has a pattern of offending behaviour or other relevant matters;
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- The circumstances surrounding the offence and the explanations offered.
- Whether the offence involved children or vulnerable adults.
- Whether the offence had already been declared prior to the DBS check (the details on the DBS should be cross-checked against any declarations already made).

See also Appendix 4 the College's Recruitment of Ex-Offender's policy

5.3.3 Once completed, the member of the HR Department will make the relevant member of SLT aware of the criminal offences and the background, providing a copy of the risk assessment form. If they are satisfied with the explanation, no further action will take place and the applicant will be informed in writing. If there are concerns that the information received makes the applicant unsuitable for the position they have applied for, the offer of employment will be withdrawn on grounds that the College's safer recruitment checks have not been satisfied.

5.4 Overseas staff

5.4.1 If a candidate has lived and worked outside the UK they must undergo the same checks as all other staff including an enhanced DBS certificate including barred list checks even if they have never been to the UK.

5.4.2 The College will also make any other checks deemed appropriate such as an overseas criminal record check see Home Office guidance: [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/criminal-records-checks-for-overseas-applicants)

5.4.3 For teaching staff the College should also obtain a letter (via the applicant) from the professional regulating authority in the country they have worked confirming that they have not imposed any sanctions or restrictions or are aware of any reason why they may be unsuitable to teach. See [Regulated professions database - European Commission \(europa.eu\)](https://ecctis.com/) and [Home Page \(ecctis.com\)](https://www.ecctis.com/)

5.5 DBS Update Service and accepting other certificates

5.5.1 Enhanced DBS Disclosures from other establishments with the correct barred list checks will only be accepted if undertaken by a school in England within the last 3 months

where they have been regularly in contact with children, or a Further Education institution in England in a position of education and caring for training, supervising or being solely in charge of persons aged under 18. Other DBS certificates will only be viewed by the college for risk assessment purposes only unless they are signed up to the DBS Update Service.

5.5.2 If the applicant is signed up to the DBS Update service, the green certificate issued by the DBS must be brought in and viewed by HR who will ask the applicant to fill in a consent form (see appendix 3) and will undertake a status check. In the instances where the update check reveals something has changed or the certificate contains information, a new DBS check must be done.

5.5.3 Staff who wish to join the update service, should do so when they have a new certificate issued (it is not possible to do so at a later date). For more information on how to join the update service: <https://www.gov.uk/dbs-update-service>. Update Service fees are not payable by the College.

5.6 Re-checking staff

5.6.1 There is no legal requirement to regularly recheck employees, however the College may recheck staff as and when they feel necessary in line with Safer Recruitment good practice.

5.6.2 Employees are required to inform the HR Department of any criminal convictions, cautions and reprimands or prosecutions pending that happen during the course of their employment. This may result in a decision to carry out a new DBS check and depending on the outcome, may impact on their future employment at the College. Refusal to undertake a DBS check may result in disciplinary action, including suspension from duty and potentially dismissal.

5.7 Non-Employed Workers

5.7.1 All Individuals not employed by the college but operating within the premises e.g. contractors/sub-contractors, agency workers, volunteers, teacher training students and Governors are required to complete a Single Record of Information (SRI) form. HR will need to view photo ID and a DBS certificate. Individuals that are required but unable to produce evidence of a DBS Certificate will be required to undertake a DBS check with the college, paid staff will be required to pay for their DBS check. Managers should ensure that further details are provided to HR on a letter of assurance by the agency or supplying organisation for inclusion on the SCR.

5.7.2 In order to identify that 'non-employed staff' and contractors have been through the correct 'screening' process, Contractors and 'non-employed staff' should always wear the appropriate form of Identification (i.e. a white lanyard and ID card).

5.7.3 In addition, safeguarding measures should be determined and agreed with the contractor in advance of the works starting on site. This will enable sufficient time for college staff to be briefed on the supervision required and on the access arrangements agreed with the contractor. Efforts should also be made to segregate learners from contractors/sub-contractors as far as reasonably practicable and for any contact between them to be supervised by a member of staff. For example, separation can be maintained by confining the movements of the contractors' to specific areas and to specific times to

avoid contact. Other steps such as the issuing of codes of conduct /professional guidelines should be considered as a supplementary measure where appropriate. To ensure that these expectations are met, the college will carry out systematic audits of this information. Failure to comply with the college's requirements will result in the withdrawal of the colleges sub-contractor/partnership provisions.

5.8 Single Central Record (SCR)

The College must maintain an SCR of pre-appointment checks for all employees and contractors/sub-contractors, agency workers, volunteers, teacher training students and Governors who are working in college or at premises.

5.9 Privacy & Storage of data

5.9.1 The College complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure information. The College also complies fully with its obligations under the Data Protection Act 1988, the General Data Protection Regulations (GDPR) 2018 and other relevant legislation pertaining with the safe handling, use, storage, retention and disposal of Disclosure information.

5.9.2 DBS information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. The college will keep a record of the DBS number and the date of issue and the details of the recruitment decision taken. Other DBS information is not kept for any longer than is necessary (up to 6 months), with the exception of any completed meeting notes from discussions that may have taken place with regards to convictions and any corresponding letters that may have been produced. These items will be kept on the individual's HR file.

5.9.3 The college's privacy statement can be found in the About' section and 'Reports and Policies' and 'Privacy Statement' on the website: www.hopwood.ac.uk. Any staff member handling the data provided has completed necessary training in application of the regulations. In addition you can also view the DBS privacy policies online at <https://www.gov.uk/government/publications/dbs-privacy-policies>.

6. MONITORING AND EVALUATION

Staff files and the SCR will be audited on a regular basis to ensure compliance.

7. DOCUMENTS ASSOCIATED WITH THIS POLICY

Hopwood Hall College Safer Recruitment policy

Keeping Children Safe in Education

APPENDIX 1

Starting without a DBS

All employees are required to have a DBS check before they commence employment. This form should be used in exceptional circumstances to determine whether it is appropriate for a new member of staff to start prior to their DBS check being completed. Actions to mitigate identified risk should be determined and agreed.

Name		Start date	
Role		Department	
Recruiting manager		Date DBS check submitted	
Detail the nature of contact with children/vulnerable adults in role			
Reason for starting prior to DBS check being completed			

Risk indicators

Have all references been received and are satisfactory (if not do not proceed)	Yes/No
Has the barred list check been completed?	Yes/No Child/child & Adult
Have all other pre-employment checks been completed and satisfactory?	Yes/No
Did the applicant declare any criminal convictions, cautions reprimands or final warnings on their New starter form?	Yes/No
if yes provide details	

Are they relevant to the role to be undertaken?	Yes/No
Do they relate to offences against children or vulnerable adults?	Yes/No
Have they worked in education within last 3 months	Yes/No

Most recent DBS certificate

The original green certificate must be viewed

Details from certificate	
DBS check done by (organisation)	
DBS certificate number	
Certificate issue date	
Enhanced level	Yes/No
Workforce	Child/Child and Adult (Both) NB if certificate is for 'Adult Workforce' only it cannot be accepted
Children's barred list check	Yes/No
Adult barred list check (if in a regulated role)	Yes/No
HR details	
Certificate viewed by (name)	
Viewed by (role)	
Viewed by (signature)	

Viewed by (date)	

Mitigation of risks identified

List all measures to be put in place to mitigate risks of starting without DBS

- Not to be left unsupervised

Approval

I confirm that this employee is allowed to start prior to their DBS check being received subject to the mitigation measures outlined above.

Employee Signature	Date
HR Manager Signature	Date

A copy of this form must be sent to the line manager and also saved on the employee's HR file and also made aware that if their DBS disclosure is unsatisfactory, the offer of employment may be withdrawn.

APPENDIX 2

DBS Positive Disclosure Risk Assessment

This form is to carry out a full risk assessment in order to make an informed and balanced decision about whether to employ or continue to employ an individual. Before any decision is reached the individual must be offered the opportunity to discuss the contents of the disclosure.

If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. Any disclosures which raise child protection issues should also be referred to the Local Authority Designated Officer (LADO) for review and oversight.

Name		Date	
Role		Department	
Recruiting/Line Manager		Reason for DBS check	
Detail the nature of contact with children/vulnerable adults in role			

DBS details

DBS number		DBS Workforce	Child/Child and Adult
Issue date		Barred list check	Child/Child and Adult

Background information

Does the DBS or barred list check bar appointment? Yes/No If yes, then the appointment is automatically unlawful and the person must not be appointed to the post – refer to LADO immediately. Do not continue with this form.
What is the offence and what was the outcome?
What was the circumstances surrounding the offence and the explanation offered?

Did the offence involve children or vulnerable adults?
Is the offence relevant to the position in question?
When did the offence occur?
What was the applicant's age when the offence occurred?
How old are they now?
Is there a pattern of offending behaviour?
Was the offence disclosed at application or interview stage Yes/No If yes – do the details match? Yes/no (give details)

Meeting with individual

Date of meeting	
Snr Mgr present	
HR staff present	
Explanation of circumstances	
Have the individual's circumstances changed since the offending behaviour?	

Efforts to avoid re-offending
Any other information

Impact

Is the offence relevant to the role being offered? Yes/No
Details
What is the likely impact that the positive disclosure will have on the individual's ability to carry out their role?

Outcome

This form should be referred to an Executive member for final decision

Outcome	
Adjustments to role	
Other actions	
Executive member name	
Signature	
Date	
Outcome/actions discussed with individual	yes/no

Appendix 3

DBS Update service check consent form

In order to do a DBS Update check, we require your consent. Please complete and sign the top part of this form. Please also arrange for us to view your original green DBS certificate.

Full Name			
Role		Department	
I give consent to a HR representative at Hopwood Hall College to do a Disclosure and Barring Service (DBS) update check.			
Signed			Date

Office use only

Start date	
Original DBS Certificate viewed by (name)	
Viewed by (role)	
Viewed by (signature)	
Date viewed	
Photo ID viewed (new staff)	Yes/No
Role workforce (see JD)	Child/Adult and Child (or 'both')
Barred list checks required	Child/Adult and Child
Certificate details	
Date of birth	
DBS certificate number	
Issue date	
Enhanced level	Yes/No
Workforce	Child/Adult and Child (or 'both')
Children's barred list check	Yes/No
Adult barred list check	Yes/No
Does the certificate contain any information?	Yes/No (if yes positive disclosure process must be followed)
Outcome of DBS Update Service check	
Further action if positive disclosure/information changed	

Appendix 4

Recruiting Ex-Offenders policy

1.0 As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Hopwood Hall College complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly .

Hopwood Hall College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed

2.0 Hopwood Hall College can only ask an individual to provide details of convictions and cautions that Hopwood Hall College are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended) Hopwood Hall College can only ask an individual about convictions and cautions that are not protected

3.0 Hopwood Hall 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 dependents, age, physical/mental disability or offending background.

Hopwood Hall College has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

4.0 Hopwood Hall 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 Hopwood Hall College select all candidates for interview based on their skills, qualifications and experience.

5.0 All application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position

6.0 Hopwood Hall College ensures that all those in Hopwood Hall College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Hopwood Hall College also ensures 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.

7.0 At interview, or in a separate discussion, Hopwood Hall 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

Hopwood Hall College makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

8.0 Hopwood Hall College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.