



100+ YEARS
TEACHING EXCELLENCE

Disclosure and Barring Service Policy and Procedure – 49
June 2023

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1. Policy Statement

- 1.1 Oaklands College is committed and passionate about providing a safe and a secure environment in which all students and staff are able to achieve their full potential from working or studying at the College.
- 2.1 [Keeping Children Safe in Education Guidance](#) is a statutory guidance from the Department of Education. The College must have regard to when carrying out their duties to safeguard and promote the welfare of children.

2. Scope of this policy

- 2.1. We are committed to providing a safe environment for our students and staff. To help us achieve this it is important to disclose any unspent Criminal Convictions (Declaration subject to the Rehabilitation of Offenders Act 1974). All new starters/volunteers/contractors are obliged to declare any convictions, cautions, reprimands, or final warnings which would not be filtered in line with current guidance. An enhanced DBS check will be requested after a provisional offer of employment has been made.
- 2.2. Although there is no legal requirement to regularly recheck employees, all existing staff will be asked annually to update their DBS details via a self-declaration process in the annual appraisal.
- 2.3. There will be a written agreement between the college and any person over 18 not employed by the college but living in the same premises as the resident students (for example, members of staff households). This specifies the terms of their accommodation, guidance on contact with residents under 18, their responsibilities to supervise their visitors, and notice that accommodation may cease to be provided if there is evidence that they are unsuitable to have regular contact with residential students under 18. They must be required to notify an unrelated designated senior member of staff if they are charged with, or convicted of, any offence.
- 2.4. For all adults who live within the residential accommodation used by students aged under 18 but are not employed by the college (for example, members of staff households), an enhanced certificate (with suitability information relating to children) must be obtained from the Disclosure and Barring Service (DBS).
- 2.5. Staff appointed to work in Residential and Springfield, Supported Learning and Landmark must have DBS clearance processed through the College before they start to work.
- 2.6. All temporary, voluntary and agency/contractor employees will be required to have a satisfactory enhanced DBS clearance with the required workforce.
- 2.7. In addition to obtaining any DBS certificate, any member of staff who are appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. Checks for all prohibitions, sanctions and restrictions described are carried out by logging onto the Secure Access/DfE Sign-in Portal via the Teacher Services' web page. This check is also carried out on internal staff who move from a support role into a teaching position.

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- 2.8. A new enhanced DBS certificate will always be requested for volunteers, new employees, contractors/agency workers unless they have the correct enhanced DBS clearance registered to the update service. The update service will be checked by HR upon confirming a start date.
- 2.9. Where a staff member's/contractor/agency worker start date is before the DBS clearance has been received HR will be required to undertake a 'DBS Risk Assessment'. If a risk assessment is requested HR need to be in receipt of a previous clear enhanced DBS certificate with the required workforce
- 2.10. Having a criminal record is not necessarily a bar to working Oaklands College although having certain criminal convictions may preclude individuals from working in some posts which involve working with children or vulnerable adults. In this case if a staff member/volunteer/contractor/agency worker have additional information on their DBS certificate a DBS Risk Assessment meeting will need to take place.

3. Purpose

- 3.1. The College will ensure, through the appropriate use of DBS checks, that it does not employ or make use of the services of any person who has a criminal conviction or record of conduct that could present a risk to the safety and well-being of Oaklands College students and staff.

4. Principles

- 4.1. Should any employee be convicted of an offence during the period of their employment, it is their duty to declare this to the Vice Principal of HR & Organisational Development in order for the risk to be assessed. Failure to do so may result in disciplinary action being taken.

5. Accountability

- 5.1. The Vice Principal of HR & Organisational Development is responsible for ensuring that this Policy and the Procedures are implemented, regularly reviewed, and updated.
- 5.2. Human Resources are responsible for carrying out the full range of pre-employment checks including checking qualifications, carrying out identity checks and requesting references from previous employers and not to rely on Disclosure information alone for making recruitment decisions.
- 5.3. The Vice Principal of HR & Organisational Development in liaison with the Designated Safeguarding Lead (DSL) must be informed of any DBS related issues and will be the final point of authorisation for any DBS Risk Assessments.
- 5.4. Disclosures are complementary to existing recruitment and safeguarding practices rather than a guarantee of an individual's suitability for working with children, vulnerable adults or in other positions of trust.
- 5.5. All managers involved in the recruitment and 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 our safeguarding obligations which may be treated as a disciplinary matter.

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6. Recruitment Processes (DBS)

- 6.1. Oaklands College HR Department process DBS clearances through Capita, an online DBS application is submitted via the capita website, the individual must provide their identification to Human Resources who will verify this in line with DBS guidance. Original documents must be seen and checked and verified before the electronic verification is completed by HR.
- 6.2. Once the DBS certificate is complete the candidate will also be advised that they need to bring in their DBS certificate into HR once they receive it.
- 6.3. Once HR receives electronic notification of clearance from Capita, this will be recorded on the Single Record Report.
- 6.4. If the Disclosure certificate shows recorded items such as convictions or cautions, HR will refer to the Vice Principal of HR & Organisational Development / HR Manager for consideration. In all situations, where there are any offences relating to children or vulnerable adults, the Vice Principal of HR & Organisational Development will liaise with the Designated Safeguarding Lead (DSL).
- 6.5. Under no circumstances will an appointment be made if a person is on the Barred List (an Enhanced check for Regulated Activity).
- 6.6. The following will be taken into account when reaching a decision about employing an individual with a criminal conviction or caution:
 - Whether the conviction or other matter is relevant to the position
 - The seriousness of the offence or other matter
 - The length of time since the offence or other matter occurred
 - Whether the applicant has a pattern of offending or other relevant behaviour
 - Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters
 - The circumstances surrounding the offence and the explanation(s) offered by the individual via a DBS Review Meeting (Appendix 1), which is carried out by the DSL and HR.

DBS Update Service

- 6.7. Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers.

Before using the Update Service, the College must:

- obtain consent from the applicant to do so;
- confirm the certificate matches the individual's identity; and
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including the required barred list information.

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- 6.8. The College can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.
- 6.9. Where the decision to employ an individual with a criminal conviction or caution is made HR will place a record of the Risk Assessment using the above criteria on their personal file. No appointment of an individual with a criminal conviction or cautions relating to children or vulnerable adults can be confirmed without the agreement from the Vice Principal of HR & Organisational Development or the DSL.
- 6.10. Where the decision is taken not to appoint an applicant because of the information on their Disclosure, the conditional offer of appointment must only be withdrawn with the agreement from the HR Director.
- 6.11. If a candidate has given details of their criminal record at the interview, a DBS review meeting must be held before a provisional offer of employment is made.
- 6.12. Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in the college. If the candidate has worked overseas in the last five years further checks may be required, which may take longer to process and may incur an additional charge which will need to be paid by the candidate.
- 6.13. From April 2017, the requirement to provide a criminal record certificate will apply to those applying for entry clearance as a Tier 2 Skilled Worker (Further education teaching professionals). Applicants must provide a criminal record certificate for any country (excluding the UK) where they have resided continuously or cumulatively for 12 months or more, in the 10 years prior to your application.

7. Risk Assessments (Appendix 2)

- 7.1. DBS checks can take several weeks to be processed. There may be rare occasions where an employee or other worker is urgently required to start work before the receipt of a satisfactory DBS Disclosure.
- 7.2. Where this is the case a full DBS Risk Assessment must be carried out. The line manager must ensure that the individual is appropriately supervised. HR will ensure that all other checks, including a separate barred list check, have been completed.
- 7.3. This Risk Assessment form must always be signed by the line manager, the Director of Faculty or Director of Department and the Vice Principal of HR & Organisational Development.
- 7.4. No-one should be brought on to the College site without the appropriate DBS disclosure or an appropriately signed DBS Risk Assessment.
- 7.5. If the new starter has started with the College with a DBS Risk Assessment in place, the Recruitment team will check if the DBS has come back within three months of them starting. If it has not, the Head of Department and HR Director/HR Manager will be notified to discuss the next steps and to follow up with the member of staff. This may result in staff not passing their probationary period if they do not have DBS clearance.

8. Current Staff

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- 8.1. If a current member of staff is convicted of any offence or is being investigated by the police, it is their duty to inform their line manager who will advise the Vice Principal of HR & Organisational Development. A new DBS clearance may be carried out. Each case will be reviewed according to individual circumstances and a decision made about the staff member's continuing employment with the College. Where appropriate disciplinary action may be taken.
- 8.2. If a current member of staff does not declare a new conviction or caution this may also lead to disciplinary action.

9. Contractors

- 9.1. The College should ensure that any contractor/agency worker, or any employee of the contractor, who is to work at the College, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including the required barred list information).
- 9.2. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.
- 9.3. If a contractor working at the College is self-employed, the College should obtain the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.
- 9.4. HR should always check the identity of contractors on arrival at the College.

10. Volunteers

- 10.1. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.
- 10.2. Volunteers who on an unsupervised basis teach or look after children regularly or provide personal care on a one-off basis in the College, will be in regulated activity. The College will obtain an enhanced DBS certificate (which also includes barred list information) for all volunteers who are working in regulated activity. It is the Department Manager's responsibility to ensure that the HR department is notified of any potential volunteers and that the relevant information and documentation is completed prior to the volunteer commencing.

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APPENDIX 1

Name of Candidate:	
Position applied for:	
Did the applicant declare the conviction/caution at interview stage or on the disclosure of criminal records form. If not, why not?	
Details of Conviction/Caution:	
Is the conviction/caution relevant to the position applied for?	
How serious is the offence? When was the conviction or caution given?	
Have the individual's circumstances changed since the offence? E.g. location, friends, partner, Education?	
What are the circumstances surrounding the conviction or	

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caution (explanation offered by the candidate)?	
Any other relevant information	

Declaration by Applicant and any additional comments in support of their employment; I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature:

Date:

Authorisation of continuation of employment

Vice Principal of HR & Organisational Development

Date:

Director of Curriculum:

Date:

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APPENDIX 2

RISK ASSESSMENT: SUPERVISION PENDING DBS CLEARANCE

This form can be used to assist in assessing and recording the risks of allowing someone to start work before a DBS (Disclosure and Barring Service) check is received. The risk assessment must be undertaken in accordance with the Disclosure and Barring Service: Policy and Procedure. The completion of this risk assessment is the responsibility of the line manager, it must be authorised by the Director / Senior manager and the Designated Safeguarding Lead before the individual can commence employment. The completed risk assessment form must be placed on the individual's personnel file or other appropriate files and made available to HR, Audit, Safeguarding and Ofsted inspections.

In very exceptional circumstances staff/contractors/agency workers may work without a cleared Oaklands College enhanced DBS certificate if they are closely supervised and within sight of someone with an enhanced DBS clearance. In the case of a risk assessment being requested the individual will need to provide an enhanced DBS certificate with relevant workforce issued within the 12 months by another organisation. The individual will need to provide the original enhanced DBS certificate to HR as evidence. For the risk assessment to be considered the hiring manager must identify the supervisory arrangements in place.

Staff appointed to work in Residential, Springfield/Supported Learning and Landmark must have a fresh DBS clearance processed through the College before they can start work at the College a risk assessment will not be considered due to the nature of the role.

HR to complete this section:

Has a list 99 barred check and a Teachers prohibition check been completed	List 99 – Date completed? Was this check clear?		
	Teachers prohibition check – Date completed?	Yes – Date – N/A – not teaching staff	
Has a disclosure of criminal records form been completed?			
Have appropriate and satisfactory references been received?			
Does the individual already hold an enhanced DBS clearance, if so, please confirm details; <i>Check DBS clearance covers relevant workforce.</i>	DBS Certificate no:		
	DBS issue date:		
	Is the DBS clearance clear with no additional information?		
HR Name and Signature:			

Hiring Manager to complete this section:

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Line Manager completing this Risk Assessment	
Name of new member of staff and job title	
Proposed Start Date	

What is their job role?
What is the nature of their duties in respect of children and young people aged 16 and above and/or vulnerable adults?
Will the individual concerned have unsupervised access? YES/NO - If YES, state the level and frequency of unsupervised access.
Outline the supervisory arrangements that are proposed in respect of this Individual. The nature of the supervision should be specified and the roles of staff undertaking the supervision should be clearly identified here.
Did they disclose anything of a concern during the interview process which may prevent them working at the College?

Line Manger to date and sign;	
Director/ Senior Manager date and sign;	
Vice Principal of HR & Organisational Development to date and sign if approved;	

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