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# RNC Policy & Procedure: Disclosure and Barring Service (DBS) Policy & Procedure

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| Responsibility: | | Human Resources and Lead Designated Safeguarding Officer | |
| Approved by SMT: | | March 2023 | |
| Date of next review: | | April 2024 | |
| EIA Completed: | | April 2021 | |
| Other relevant Policies and reference documents:   * Safer Recruitment * Staff Disciplinary | | | |
| Version | Date | Amendments | Author |
| 1.0 | 03/18 | Reviewed by HR/JP. No amends required  Approved by SMT | JP/HR |
| 1.1 | 12/19 | Reviewed by HR/JP. Minor amends made throughout, including removal of Director of Finance and Resources.  Reviewed policy statement to be in line with wording on our application forms.  1.1: added in that governors, staff and volunteers may start under a RA.  1.4: added that should someone have a DBS over three years old a RA is required to be completed.  1.6: amended MIS to HR Database. | JP/HR |
| 1.2 | March 2021 | Reviewed by HR/JP. Job titles amended.  Policy statement amended to reflect current process for adult barred checks. | LB |
| 1.3 | April 2022 | 1.6 removed the fact that the supporting documents are stored and amended to reflect this will happen once the full Ofsted inspection has taken place  Education and Training Committee reviewed and signed off policy | LB |
| 1.4 | February 2023 | Application form states: paragraph updated. | LB |

**Commitment Statement**

RNC is committed to the fundamental values of equality, diversity and inclusion, which creates a supportive environment for all members of our community to live, work and study. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and to eliminate discrimination to other equality groups related to age, sexual orientation, gender identity, marital or civil partnership status, pregnancy or maternity and religion or belief. We believe that safeguarding has paramount importance and RNC recognises its responsibility and duties within the Government Prevent Strategy to be aware of and where appropriate act to ensure the safety of all students from radicalisation and extremism.

This document is available in alternative formats on request. If you think RNC can improve the fairness of this policy please contact the author who has responsibility for the review and update.

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## Policy Statement

RNC recognises its responsibility to prevent unsuitable people working with children and vulnerable adults and is committed to ensuring safer recruitment of staff, volunteers and governors. All staff at RNC share an objective to help keep young people and vulnerable adults safe.

The RNC College campus compromises of all College learning areas, halls of residence, business support areas and their surrounding grounds. All College campus paid staff and volunteers may be required to work unsupervised in a regulated activity and as such are subject to full Enhanced Disclosure & Barring Service (DBS) checks including barred lists checks for Children in addition to standard vetting checks. Barred list checks for Vulnerable Adults are carried out for all student facing staff. Regulated activity is work that a person barred from working with vulnerable people/children must not do.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates. We select all candidates for interview based on their skills, qualifications, experience and suitability as measured against the job description and person specification.

As a college using DBS to assess applicants’ suitability for positions of trust, RNC 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 disclosure on the basis of conviction or other information revealed.

All governors, staff and volunteers who apply for a post at RNC are required to complete an application form; all application forms, job adverts and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position.

The application form states: RNC is committed to safeguarding and promotes the welfare of all learners and staff.

This post is exempt from the Rehabilitation of Offenders Act 1974. If you are appointed you will be required to undertake an Enhanced Disclosure & Barring Service (DBS check). You are required to declare any convictions (spent or unspent) cautions, warnings and bind-overs you may have, that are not protected regardless of how long ago they occurred, as well as any pending criminal proceedings or current police investigations. (Further information about filtering offences can be found in the DBS filtering guide). [DBS filtering guide - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-filtering-guidance)

Having a criminal record will not necessarily prevent you from taking up appointment; this will depend on the nature of the offence(s) and their relevance for the post you are applying for. However, should you not declare any of the above and this is subsequently revealed, e.g. through the DBS check, then this may place your appointment in jeopardy.

As part of the application form, applicants are required to agree the following declaration: I declare that the information I am giving in this application is accurate and true. I understand that providing misleading or false information may disqualify me from appointment or may result in my dismissal, if the applicant has been appointed, and referral to the police and/or the DBS.

## 1. DBS Administrative Procedure

1.1 DBS checks are undertaken during the recruitment stage of all new governors, staff and volunteers. Where a governor, member of staff or volunteer is requested to start prior to the DBS having been returned a risk assessment must be completed (Appendix 2).

1.2 DBS checks are routinely updated every three years for all governors, staff and volunteers.

1.3 RNC uses an external organisation to carry out DBS checks.

1.4 Human Resources (HR) conduct the administration of this procedure; they will contact the individual governor, member of staff or volunteer eight weeks prior to the due renewal date. The relevant member of the Senior Management Team will be advised four weeks prior to the due renewal date if the renewal process has not been completed by the individual governor, member of staff or volunteer. If the DBS is not returned within the three years of having received the previous DBS a risk assessment must be completed.

1.5 HR will check identity against the official documents required for the DBS application. This requires them to have sight of three separate official documents for each member of staff.

1.6 HR store evidence of vetting checks maintained on the HR database and Central Recruitment Record. Details of the DBS disclosure form are filed securely pending the next full Ofsted inspection and are then destroyed securely in line with College policy.

## 2. Recruitment of ex-offenders

2.1 As a disclosure forms part of the recruitment process, we request all applicants called for interview to provide details of their criminal record at an early stage in the application process. Having a criminal record will not necessarily bar an individual gaining employment at the College.

2.1.1 Candidates are advised that should they fail to disclose their criminal record, RNC may report this to the Police.

2.2 We make every subject of a DBS disclosure aware of the existence of the DBS Code of Practice.

2.3 At least one member of every interview panel has received training in safer recruitment in education.

2.4After interview, in a separate discussion, should the need arise, we 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. A positive disclosure risk assessment form will be completed (Appendix 1). Failure at this point to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

2.5 We undertake to discuss any matter revealed in a DBS disclosure with the person seeking the position before confirming or withdrawing a conditional offer of employment, governance or volunteering.

2.6The Lead Designated Safeguarding Officer (LDSO)[[1]](#footnote-1) and HR Manager will ensure consideration of the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974. The outcome of this will decide whether an applicant is confirmed in post or not.

## 3. Procedure for managing a ‘Positive’ DBS Disclosure

3.1 A positive DBS disclosure is one that contains information relating to convictions, cautions and reprimands, and barred list checks together with any “soft” information relating to non-convictions that the Police deem relevant.

3.2 Only those who are directly involved in the appointment process and those who require such information for safeguarding purposes will be permitted access to information relating to positive DBS disclosures. This includes HR Staff, the Lead Panel Member for the relevant post, the LDSO and the Executive Principal.

3.3 When a positive DBS disclosure occurs for a renewal (for someone currently employed by, providing governance for, or volunteering at RNC) then the Executive Principal and the LDSO will be informed. Where appropriate the individual line manager will also be informed.

3.4 All positive DBS disclosure information will remain confidential to the staff listed in 3.2 & 3.3 and will be held securely by HR.

3.5 Where a positive disclosure has been received the following key stages must be followed by the relevant staff named:

3.5.1 HR will notify the LDSO and meet to undertake an initial risk assessment (Page 1 of the risk assessment form (Appendix 1)). The outcome of this initial risk assessment will determine if the full risk assessment process is required.

3.5.2 If it is determined that a full risk assessment is required the LDSO will inform the Executive Principal and, in the case of a prospective employee, the Lead Panel Member to convene a meeting.

3.5.3 A meeting will take place to include the prospective or current employee, an HR representative, the LDSO and, if appropriate, the Lead Panel Member or line manager to discuss the nature of the positive disclosure.

3.5.4 The meeting will seek to verify that the information on the disclosure relates to the individual concerned, this verification must be made before any decision is reached. The discussion should focus on the following;

* The seriousness and nature of the offence(s)
* The nature of the appointment/work being undertaken
* Length of time since offence(s) occurred
* Number and pattern of offences
* Applicant’s age at the time, circumstances/explanation
* Concealment of offences at application stage

3.5.5 For a prospective employee, governor or volunteer, a positive DBS disclosure risk assessment (Appendix 1) will be completed by the LDSO and HR Manager, and will include a decision about whether to continue with the recruitment process. The completed risk assessment will be forwarded to HR who will inform the candidate of the outcome.

3.5.6 For a current employee, governor or volunteer, a positive DBS disclosure risk assessment (Appendix 1) will be completed by the LDSO, HR Manager and where appropriate the line manager, and will include a decision about whether to continue the individual’s employment. The completed risk assessment will be forwarded to HR. The LDSO or HR representative will meet with the employee to inform them of the outcome.

## 4. Procedure of managing information received from other sources

4.1 All current employees have a legal duty to inform RNC if they become subject to inclusion on the ‘Barred List’.

4.2 In all cases where ‘Barred List’ information becomes known to RNC about a current employee the employee must be suspended immediately and a DSO informed for liaison with the LADO (Local Authority Designated Officer) and Police.

4.3 If the LADO or Police confirm the accuracy of information received RNC will act in line with its Staff Disciplinary Policy.

4.4 In all cases where a prospective employee discloses barred list information the DSO by law is required to report this to the LADO and Police.



# Positive DBS Disclosure Initial Risk Assessment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of Individual** |  | | **Date of assessment** |  |
| **Post Applied for/Held** |  | | | |
| **HR Manager** |  | | **Signed** |  |
| **LDSO** |  | | **Signed** |  |
| **Do the DBS Listings bar the appointment?** | **Yes - the appointment is automatically unlawful and the person must not be appointed. Do not continue with risk assessment. Refer to LADO immediately.** | | | |
| **No – continue with completing the initial risk assessment** | | | |
| **To consider:** | **Assessment** | **Comment** | | |
| **How serious do you consider the offence to be?**  **(Severity)** | **Major – 3**  **Moderate – 2**  **Minor – 1** |  | | |
| **Did the offence occur recently?**  For example, minor offences that occurred a long time ago may be less relevant than ones that are very recent.  **(Likelihood)** | **Within last:**  **Year – 4**  **3 Years – 3**  **4 to 9 years - 2**  **10 Years or Older –1** |  | | |
| **Initial risk assessment rating determined by severity x likelihood =** | | | | |
| **Low** **risks score 1 or 2** | **Continue with recruitment process – file initial risk assessment with HR** | | | |
| **Medium** **risks score 3 or 4** | **Continue with full risk assessment process** | | | |
| **High risks score 6 or 9** | **Continue with full risk assessment process** | | | |



# **Positive DBS Disclosure Full Risk Assessment**

to be completed as required following completion of the initial risk assessment. This risk assessment should be retained confidentially on employee’s HR file. Please ensure your final decision is recorded and signed by the relevant parties.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name of Individual** |  | | | **Date of Birth** | |  | | |
| **Post Applied for/Held** |  | | | **Date of Assessment** | |  | | |
|  |  | | |  | |  | | |
| **LDSO** |  | | | **Signed** | |  | | |
| **HR Rep** |  | | | **Signed** | |  | | |
| **Recruiting/Line Manager** |  | | | **Signed** | |  | | |
| **Decision (please tick as applicable)** | | | | | | | | |
| **Employ** | **Do not employ** | | **Suspend** | | | | **Allocate to other work** | |
|  |  | |  | | | |  | |
| **Overall Summary (Inc. employ with adjustments to role - give details e.g. supervision, monitoring arrangements etc.)** | | | | | | | | |
|  | | | | | | | | |
| **Discussed with individual (insert date)** | | | | | | | | |
| **Individual’s Signature** | |  | | | **Date** | | |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **QUESTIONS TO CONSIDER** | **POSSIBLE RESPONSES** | **ANSWER** | **COMMENTS- PLEASE COMPLETE AS FULLY AS POSSIBLE TO INFORM RISK ASSESSMENT** |
| **Are you satisfied with the candidate’s/employee’s/volunteer’s explanation of the circumstances of the offence?**  All positive disclosures should be discussed with the candidate. Note down their explanation of the circumstances. | **Yes**  **Unsure**  **No** |  |  |
| **At what age were the offences committed?**  Was the offence committed as an adult, or as a child or adolescent? Offences that took place years ago may have less relevance now with the exception of serious violent or sexual offences. | **State Age** |  |  |
| **What age is the applicant now?** | **State Age** |  |  |
| **Does the disclosure show a pattern of behaviour, or was the offence a one-off?**  Repeated offences may indicate that the individual has not been able to change his/her offending behaviour, and may be more likely to re-offend. | **One-Off**  **Repeat-Frequent**  **Repeat-Infrequent** |  |  |
| **Have the circumstances that contributed to the applicant committing the offence or behave in such a manner changed for the better?**  Look at the circumstances, including the employment pattern and the individual’s own explanation. | **Yes**  **No**  **Maybe** |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **QUESTIONS TO CONSIDER** | **POSSIBLE RESPONSES** | **ANSWER** | **COMMENTS- PLEASE COMPLETE AS FULLY AS POSSIBLE TO INFORM RISK ASSESSMENT** |
| **Did the applicant disclose any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance, as part of the application process/at interview/or during their employment?**  A failure to disclose a relevant offence, without a satisfactory reason, will be a breach of contract and render any employment offer void or where the individual is an employee lead to disciplinary action which could lead to dismissal. | **Yes**  **No-no valid reason**  **No- but had valid reason** |  |  |
| **Are there any concerns in regard to the employee’s motivation for working with children?** | **Yes**  **No** |  |  |
| **Were any gaps in employment identified and were these cause for concern?** | **Yes**  **No** |  |  |
| **Were both employer references satisfactory and verified by phone?** | **Yes**  **No** |  |  |
| **Does the post involve responsibility for finance, items of value or other high risk areas?**  This is particularly relevant where the disclosed offences are related to robbery, burglary or fraud. | **High**  **Moderate**  **Low** |  |  |
| **Does the role allow opportunity to reoffend?**  Consider the nature of the post in relation to the disclosed offence(s). | **Yes**  **No** |  |  |
| **What level of management supervision will the person receive?**  What opportunity would there be to re-offend? Will supervision reduce the risk? How much responsibility does the post carry? | **High**  **Moderate**  **Low** |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **QUESTIONS TO CONSIDER** | **POSSIBLE RESPONSES** | **ANSWER** | **COMMENTS- PLEASE COMPLETE AS FULLY AS POSSIBLE TO INFORM RISK ASSESSMENT** |
| **What mechanisms are in place to track the individual’s progress?**  A review requirement allows for the possibility of the person moving to a role they are not currently safe for, or moving into a “safer” role or dismissed if there is a deterioration. | **Adequate**  **Inadequate** |  |  |

# Appendix 2: Example Risk Assessment for new Hire or where a DBS is over three years old.

Risk Assessment

Appointment: XXXX

Date: XXXX

Manager: XXXX

CONFIDENTIAL

|  |  |  |
| --- | --- | --- |
| **Assessment for: XXXX** | | **Start Date: XXXX** |
| **Assessment completed by: XXXX** | | **Review Date: XXXX** |
| **1. Area of concern** | **2. Specific Concerns** | **3. Agreed Measures** |
| XXXX will be commencing employment with RNC without his DBS having been returned. | DBS has not been returned prior to start date.  Should the DBS be returned with a disclosure actions will need to be taken. | 1. Ensure that XXXX is supervised at all times and is signed in and out as a visitor. 2. XXX will have no one to one contact with students until the DBS has been returned. 3. Include in confirmation of start date letter that should XXXX DBS come back with a disclosure that the College can take required action, including the termination of XXXX contract of employment. |

# RNC Logo

# Equality Impact Assessment (EIA)

Date: 29.04.21

Function: Disclosure and Barring Service (DBS) Policy & Procedure

This policy, plan, procedure, process has been examined for equality impact, i.e., the impact that this function will have on different groups of actual and potential learners, service users and staff taking account of the protected characteristics of the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

1. If Equality Impact Assessment is not relevant to this function, give reasons and proceed to section 5 below.
2. In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these?

N/A

1. In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality?

The policy is designed to support RNC in its responsibility to keep all children and vulnerable adults safe by ensuring safer recruitment of staff and volunteers. It will enable the College to identify individuals who may have committed offences targeting or particularly impacting those with protected characteristics, and to take this in to account when considering their suitability for employment.

1. What evidence supports your judgment e.g. consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored?

The content of the policy is self-explanatory.

Name and job title of manager completing EIA: Lucy Proctor, Executive Principal

1. In the absence of the LDSO, another member of the Designated Safeguarding team may undertake the responsibility throughout the procedure. [↑](#footnote-ref-1)