

# **DISCLOSURE & BARRING (DBS) POLICY**

Effective for employees, students, Directors and volunteers on or after 1 September 2018

Date: 25 August 2018

Date of next Review: September 2019

## DISCLOSURE & BARRING SERVICE POLICY

### 1. INTRODUCTION

L&F Training is committed to ensuring that its application and recruitment processes act to safeguard and promote the welfare of all students and staff, prevent unsuitable individuals from working at the College and that all applicants are treated fairly and lawfully.

L&F Training uses the Disclosure & Barring Service (DBS) checking service to obtain information upon which to assess applicants' suitability for appointment to relevant positions which involve working with children, vulnerable adults and/or in positions of trust. In December 2012 the Criminal Records Bureau (CRB) merged with the Independent Safeguarding Authority (ISA) to form the Disclosure & Barring Service.

### 2. TERMINOLOGY

The following terms are used in this policy:

**DBS** – Disclosure & Barring Service.

**Disclosure** – the report produced by the DBS following a standard DBS check, enhanced DBS check and/or enhanced check for regulated activity, which includes information regarding an individual's criminal background.

**Standard DBS check** – reveals details of any convictions, cautions, reprimands and final warnings received by the individual, regardless of the length of time since the incident.

**Enhanced DBS check** – reveals details of any convictions, cautions, reprimands and final warnings received by the individual, regardless of the length of time since the incident plus any additional information held locally by police forces that is considered by the police to be relevant to the post applied for (e.g. investigations that have not led to a criminal conviction). The police decide what, if any, information will be added to the disclosure.

**Enhanced check for regulated activity** – reveals the same information as an enhanced DBS check and confirms whether or not the individual is included on the children's or adult's barred lists.

### 3. SCOPE OF THE POLICY

This policy applies to all individuals who have applied to work at the L&F Training and all individuals who currently work at the L&F Training at all levels and grades, including senior managers, officers, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual workers and agency staff.

### 4. APPLICATIONS FOR A DBS DISCLOSURE

The L&F Training will consider the positions which are eligible for DBS checks and the level of such checks relevant to those positions (for example, standard DBS checks, enhanced DBS checks and/or enhanced checks for regulated activity) having regard to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002, the Protection of Freedoms Act 2012 and relevant eligibility guidance issued by the DBS from time to time.

Where a Disclosure is required by L&F Training:

- this will be confirmed to applicants, together with details of the process which will be followed in the event of the applicant being offered a position of employment or engagement by L&F Training;
- any offers of employment or engagement will be made subject to and conditional upon the L&F Training receipt of a satisfactory Disclosure;
- the individual will not be permitted to work with children and/or vulnerable adults on an unsupervised basis until a satisfactory Disclosure is received by the L&F Training Academy.

A failure to agree to a DBS check may result in the withdrawal of an offer of employment or engagement, or dismissal in the event that employment or an engagement has commenced.

## 5. ROLES AND RESPONSIBILITIES

**The Business Manager** will have overall responsibility for:

- ensuring that the L&F Training Academy has effective policies and procedures in place to protect children and vulnerable adults during their time at the L&F Training Academy;
- ensuring that the L&F Training Academy has effective policies and procedures in place to protect those who work with children and vulnerable adults;
- monitoring compliance with the L&F Training Academy policies and procedures.
- be responsible for child protection issues and cases

**The DBS Lead Countersignatory and Countersignatories** will:

- be the DBS' principal point of contact on all matters connected with DBS registration and use of the Disclosure service;
- be responsible for ensuring that all applications and Disclosure certificates are processed in accordance with the DBS Code of Practice.

**The Business Manager/Admin staff** will:



- develop and periodically review policies and procedures relating to recruitment and DBS Disclosures;
- monitor corporate practice to ensure compliance with, and evaluate the effectiveness, of the Disclosure & Barring Service Policy;
- provide advice and guidance to managers on the Rehabilitation of Offenders Act 1974 (and other relevant legislation) and DBS Disclosures;
- Inform line managers once confirmation is received that a member of staff has been cleared by DBS and can commence teaching;
- ensure that each member of staff has access to the Child Protection Policy and Procedure and that all new employees are issued with a copy.

**Line Managers will:**

- ensure that a risk assessment is undertaken for posts within their areas of responsibility which may involve contact with children and/or vulnerable adults;
- ensure that an appropriate DBS check is made as part of the recruitment process and submitted to the DBS before an applicant commences employment;
- ensure that employees do not work with children and/or vulnerable adults on an unsupervised basis until advised by the HR Department that a satisfactory Disclosure has been received by the L&F Training Academy and that the employee is now cleared to commence employment.

**Employees will:**

- ensure that they complete and submit to the L&F Training Academy a completed DBS application form when required to do so by the L&F Training Academy. Employees will be issued with the DBS certificate (the L&F Training Academy does not receive a copy) and they must ensure this is taken to the HR Department before they commence their employment. Employment is not permitted until the HR Department has received the certificate and advised the line manager that employment may commence;



- ensure that they do not commence work (including with children and/or vulnerable adults on an unsupervised basis) until the L&F Training Academy has confirmed to them that they have received a satisfactory Disclosure;
- read and comply with the L&F Training Academy Child Protection Policy and Procedure, a failure to comply could lead to disciplinary action;
- notify their line manager and the Head of Human Resources immediately should their circumstances change in relation to their criminal record.

## **6. DISCLOSURE OF A CRIMINAL CONVICTION**

A copy of the L&F Training Academy Policy Statement on the Recruitment of Ex-offenders is included at Appendix A. Having a criminal record will not necessarily bar an applicant from working with the L&F Training Academy. The L&F Training Academy will treat all applicants fairly and lawfully and will not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Where a criminal record is revealed in a Disclosure, the nature of the criminal record and its relevance to the post will be carefully considered. Any information revealed in a Disclosure that is likely to lead to the withdrawal of an offer of employment or engagement will normally be discussed with the applicant before the offer is withdrawn.

In making a decision, the recruiting manager, with advice from Human Resources, will consider the relevant factors, including where appropriate and relevant the following:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether information short of a conviction for an offence is reliable;
- the seriousness of any 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 the other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

## **7. PORTABILITY OF DISCLOSURE CHECKS AND DBS UPDATE SERVICE**

Where applicants have subscribed to the DBS Update Service and hold a Disclosure relevant to their proposed position of employment or engagement with the L&F Training Academy, the L&F Training Academy will, with the applicant's consent, complete an online check to update their Disclosure.

## **8. OVERSEAS CANDIDATES**



Where it is not possible for the L&F Training Academy to obtain an appropriate check via the DBS (including, for example, where the successful candidate lives overseas or has spent a long period abroad) an appropriate check will be made with the relevant national agency where possible. This may be in addition to a DBS check depending on the time that the applicant has spent within the United Kingdom.

#### **9. RE-CHECKS**

Upon the expiry of a four year period from the date of the original Disclosure, a re-check will be carried out. The four year renewal may be brought forward in the L&F Training Academy's absolute discretion (including, for example, where concerns have arisen regarding an employee or where an employee moves to a post which involves an increased level of contact with children and/or vulnerable adults).

#### **10. PAYMENT OF FEES**

Where the Disclosure is for a position within the L&F Training Academy the applicant will pay for the application.

#### **11. STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURE INFORMATION**

The L&F Training Academy complies fully with the DBS Code of Practice and the Data Protection Act 1998. A copy of the L&F Training Academy Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information is included at Appendix B.

#### **12. REFERRALS TO THE DISCLOSURE & BARRING SERVICE**

The L&F Training Academy is under a legal duty to make referrals to the DBS in prescribed circumstances. The L&F Training Academy will comply in full with its legal duty and relevant guidance issued by the DBS from time to time.

#### **13. APPENDICES**

##### **A. Policy Statement on the Recruitment of Ex-Offenders**

##### **B. Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure information**

## **POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS**

As an organisation using the Disclosure & Barring Service (DBS) Disclosure checking service to assess applicants' suitability for positions of trust, the L&F Training Academy 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 a conviction or other information revealed.

The L&F Training Academy is committed to the fair treatment of its staff, potential staff and users of its services, in line with the L&F Training Academy Equality and Diversity Policy and in particular the provisions of the Equality Act 2010 and regardless of their offending background.

This policy on the recruitment of ex-offenders is made available to all DBS applicants at the outset of the recruitment process.

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, and experience.

A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check is to form part of the recruitment process, we require all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential, cover to the Head of Human Resources. This information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the L&F Training Academy to ask questions about an applicant's entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those at the L&F Training Academy who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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.

At interview, or in a separate discussion, we ensure that an appropriate, objective 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 relevant to the position sought could lead to the withdrawal of an offer of employment.

We make every subject of a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a DBS check with the applicant before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar an applicant from working with us. This will depend on the nature of the position and the circumstances and background of any offences.



## **POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION**

### **AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION**

#### **General principles**

As an organisation using the Disclosure & Barring Service (DBS) checking service to help assess the suitability of applicants for relevant positions, the L&F Training Academy complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosures and Disclosure information and this is our written policy on these matters.

#### **Storage and Access**

Disclosure information is never kept on an applicant's personal 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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it. The Head of Human Resources, (Lead Countersignatory) will be responsible for the handling of Disclosure information.

#### **Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

#### **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.