

## Disclosure and Barring Service and Recruitment of Ex-Offenders Policy

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This Staff policy contains information that outlines our aims. However, there may be times when we cannot meet these obligations. We are committed to act in a fair and reasonable way. We will review policies and the Equality Assessment regularly and when legislative changes occur.

## Disclosure and Barring Service and Recruitment of Ex-Offenders Policy

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### 1. Policy Statement

This policy sets out the College's requirements in relation to Disclosure and Barring Service (DBS) checks and our commitment to the recruitment of ex offenders'. We are proud to be a values-driven institution that puts safeguarding, fairness and opportunity at the core of what we do. This policy reflects our commitment to creating a safe and inclusive environment for our learners and staff.

### 2. Aims and Objectives

The policy sets out key principles, structures, and monitoring processes for the College. Safeguarding children and vulnerable adults is essential, so the College incorporates strong safeguarding measures into its regular procedures. Alongside this policy, it is crucial that the College follows thorough recruitment and vetting processes to reduce the risk of hiring individuals who may harm or are unsuitable to work with children and adults.

### 3. Related policies

Policies to read in conjunction with this policy:

- Recruitment, Selection and Regrading Policy,
- Personal Relationships Policy
- Commitment to Equality in Employment (including Bullying & Harassment).

For general safeguarding refer to the Child Protection, Safeguarding and PREVENT policy.

### 4. Scope

This policy is applicable to all learners, staff members, governors, volunteers, clients, and partners engaged in our service delivery.

### 5. Policy detail

#### a) Regulated activity

Regulated activity includes roles involving regular, unsupervised contact with children or vulnerable adults. In our context, this typically includes teaching staff, learning support assistants, and pastoral roles. Vulnerable adults may include adult learners with additional needs or disabilities who require support.

Enhanced DBS checks with Barred list information are required for roles involving regulated activity. Barred list information ensures that individuals barred from working with children are not employed in positions of trust.

#### b) DBS disclosures

A DBS certificate contains information held by the police and relevant government departments and is part of an integrated approach to protect children and vulnerable adults. The College conducts checks through the Disclosure and Barring Service to ensure that individuals do not have a history that would make them unsuitable for posts.

### **c) DBS Update Service**

Employees are encouraged to register for the DBS Update Service and to keep their subscription active each year. The College will carry out annual checks using the Update Service to confirm that the subscription has been renewed and that no new information has been added to the certificate. Once confirmed, the College will reimburse the renewal cost through payroll. This should **not** be claimed through expenses.

It is the employee's responsibility to maintain their Update Service subscription. If the subscription lapses, the employee will be required to pay for a full DBS check and asked to re-register with the Update Service.

New employees must provide their original DBS certificate and register for the Update Service. If an employee chooses not to register for the Update Service, the College will cover the cost of the initial DBS check, and the individual will be responsible for covering the cost of any future DBS checks required by the College.

### **d) Types and frequency of Disclosure**

All College employees must undergo **enhanced** disclosure checks, which are repeated not more than every 3 years during their employment. Most employees have access to students and in many cases access is unsupervised. Our students are typically under the age of 18 and are considered children under safeguarding rules. This procedure also extends to volunteers and individuals participating in teacher training courses such as PGCE.

Additionally, the College reserves the right to request a DBS check from an employee at any stage of their employment. When recruiting, only the candidate who is offered the job will be asked to complete a DBS check.

College employees who are away from work for three months or longer, such as due to long-term illness, maternity, adoption, or shared parental leave, will be re-checked upon their return. In addition, anyone moving from a non-regulated position to a regulated role must also undergo re-checks.

### **e) Enhanced checks**

Enhanced checks will take one of the following forms:

- Child workforce – this puts the individual into 'Regulated' activity for children i.e. under 18 years old responsible for teaching, training, instruction, care for or supervision of children
- Adult Workforce – this puts the individual into 'Regulated' activity for adults' personal care (eating, drinking, toileting, washing, bathing, dressing, oral care or care of the skin, hair or nails provided for reasons of age, illness or disability)
- Child and Adult Workforce – the individual's role covers both children and adults (as per above)

### **f) New employees to the College**

All new staff must either have an appropriate DBS issued or grant the College access to the update service. Sometimes, due to business needs, recruits start before receiving their DBS certificate. In these cases, a risk assessment form is required: the individual completes the

first part, and the manager completes the second. The College will then need to review a previous DBS certificate from the individual, at least one reference, and, if relevant, a barred Teachers' check. After all requirements are met, the decision to allow the recruit to start rests with the Assistant Principal – Human Resources, the Assistant Principal – Learner Services, or the Principal/Chief Executive.

#### **g) Handling Applicants with Adverse Disclosures**

Applicants are expected to provide honest and accurate information when completing the College's application form, including disclosure of any cautions or convictions. If an individual discloses such information to the College in writing, either within the application form or through separate correspondence, prior to the completion of DBS checks, the College will assess whether the disclosure impacts the applicant's suitability for the role. The College generally views applicants who proactively address past matters more favourably. Failure to disclose relevant issues that are subsequently revealed by DBS checks will likely result in withdrawal of any employment offer.

A criminal conviction does not automatically preclude employment with the College; convictions will only be considered if they are relevant to the specific position. The College is committed to balancing the rights and interests of applicants with those of students, staff, and the broader community, as well as maintaining its public reputation and fulfilling its legal responsibilities.

It is a legal offence for an individual who is barred to seek, accept, or be offered work in Regulated Activity with a group from which they are barred. Candidates listed on the Barred List will not be employed by the College. Should DBS checks indicate that a candidate is on the Barred List for Regulated Activity, the College will notify DBS regarding the individual's attempt to obtain prohibited employment.

#### **h) Handling Staff with Adverse Disclosures**

According to the College's Disciplinary & Capability Policy, all staff are required to notify their manager as soon as possible if they become subject to police action. Some employees may have previously declared cautions or convictions, which will already be recorded by the College. For all positive disclosures, a screening form is completed and reviewed by the Assistant Principal – Human Resources, who provides recommendations such as taking no further action or instructing the line manager to conduct a formal interview with the individual. Upon completion of the interview, the outcome must be reported back to the Assistant Principal – Human Resources, who will determine the individual's ongoing suitability for employment. If a caution or conviction has already been disclosed to the College, no additional action is taken.

Should a new caution or conviction arise through a DBS check that was not previously declared, the screening process remains in place. The line manager will typically be directed to carry out a formal interview and report their findings. Based on the seriousness of the issue, the College may implement disciplinary procedures under the Disciplinary & Capability Policy.

In cases where a conviction is pending or under investigation, the College may take interim measures to safeguard both the individual and the organisation. These measures can

include precautionary suspension, reassignment of duties, or relocation of the individual's work base. Confidentiality will be maintained, with only essential personnel such as the Principal/Chief Executive; Assistant Principal – Learner Services (Safeguarding lead), and Assistant Principal – Human Resources being informed. Consultation with the LADO (Local Authority Designated Officer) or police may be considered as appropriate. Throughout the process, the individual will be kept informed of any actions taken, and, where feasible, communications will be agreed upon in advance.

**i) Referral to the Disclosure and Barring Service (DBS)**

Under the Safeguarding Vulnerable Groups Act 2006, the college is legally required to refer information to the DBS if a staff member, volunteer, or contractor is dismissed or removed from working with children or adults in regulated activities because they meet the criteria for referral. As such, we will report all cases to the DBS where a person is dismissed or taken out of regulated activity (or would have been, had they not already left) due to causing harm or posing a risk of harm to vulnerable groups, including children. If the college believes a criminal offence has occurred, we will also share this information with the police as soon as possible.

**j) Employees Supervising Young People during Work Experience**

If an employee is responsible for supervising anyone under 18 on work experience as part of their job, this counts as regulated activity. In these cases, an enhanced DBS check that includes the Children's Barred List is required.

**k) Agency Workers**

For agency workers, the employment agency is legally responsible for them and must obtain the necessary background checks. The College informs agencies about the level of check needed for each position. Both HR and managers must confirm with both the agency and the worker that the correct checks have been completed against the Children's and/or Adults Barred List.

**l) Contractors**

The contracting organisation is responsible for employing contractors and obtaining the necessary DBS or Enhanced checks for Regulated Activity. The Estates Team must include all Safeguarding requirements in procurement documents and will regularly audit compliance.

**m) Volunteers**

A volunteer is someone who offers unpaid help (with reimbursement only for travel or approved expenses) to benefit others beyond close family. Volunteers in roles requiring a DBS check must undergo the relevant check; those involved in Regulated Activity qualify for an Enhanced check. These checks are free if volunteers do not receive payment (aside from expenses), are not on placement, work experience, a course-related job, or in a trainee role leading to employment.

**n) Gender Recognition Certificates**

Under the Gender Recognition Act 2004, individuals with a Gender Recognition Certificate (GRC) are legally recognised in their affirmed gender.

Transgender applicants for DBS checks must disclose previous names or gender identities, but can maintain privacy via the Sensitive Applications Route. This confidential process prevents disclosure of former gender identity on DBS certificates and applies to all DBS check levels. Contact the Sensitive Applications Team before applying:

- Email: [sensitive@dbb.gov.uk](mailto:sensitive@dbb.gov.uk)
- Phone: 0300 131 2784 (voicemail available)

Applicants using this route will complete the standard DBS application form but will receive guidance from the Sensitive Applications Team to ensure confidentiality.

If the applicant has no relevant criminal record, the DBS certificate will be clear, revealing no prior identities. However, convictions or police information from a previous identity may appear on the certificate, potentially disclosing a gender change. See 'Handling and Storage of DBS Disclosures' below for more details.

## **6. Handling and Storage of DBS Disclosures**

### **Secure Handling**

DBS certificate information is managed in accordance with the DBS Code of Practice, the Data Protection Act 2018, and the UK GDPR. Disclosure information must be stored securely, either in locked, non-portable containers or within secure electronic systems with restricted access. Only authorised and trained staff may access this information, and it is not to be shared with anyone not entitled to receive it. Inappropriate sharing of DBS information is a criminal offence.

### **Use of Disclosure Information**

Disclosure information is used solely for the purpose for which it was requested and only with the individual's consent. If relevant information arises, HR may discuss the implications with the individual's line manager, but the certificate itself is not shared. Access to disclosure information is logged, recording who accessed it and when.

### **Presentation of Certificates**

Employees must present their original DBS certificate to a nominated HR team member. A copy is taken for verification and stored securely. Any previous DBS certificates held by the College are securely destroyed at this point.

### **Retention**

DBS certificate details are retained only as long as necessary for recruitment or safeguarding decisions. If the certificate is clear and no further action is needed, it is securely destroyed within six months. If it contains relevant information, it may be retained until matters are resolved or responses received. When staff leave, all DBS certificate data is securely destroyed and not archived. The College may retain a basic record of the DBS check (such as date, type, role, reference number, and recruitment decision), but not the certificate or its details.

Disclosure information awaiting destruction is kept in secure containers and is never left in open or insecure areas. Secure disposal methods, such as shredding or secure digital deletion, are always used.

## **Data Protection**

All handling of DBS information complies with the UK GDPR and the Data Protection Act 2018. For further information on personal data management, refer to the College's General Data Protection Regulation Policy.

## **Auditing**

The Single Central Record is checked weekly by the HR Processes and Systems Manager and audited quarterly via random sample checks conducted by the Designated Safeguarding Lead.

Governor SCR checks are conducted termly.

## **Disposal**

Disclosure information is destroyed by secure methods such as shredding or secure digital deletion. While awaiting destruction, documents are kept in secure containers and never left in open or insecure areas.

## **7. Safer Recruitment**

Safer recruitment training is available for all new managers. This is considered mandatory training for managers, and no recruitment panel will run without a minimum of 1 person having received this training.

## **8. Recruitment of Ex-Offenders**

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), we comply with the DBS Code of Practice and undertake to treat all applicants for positions fairly and not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed. 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, including those with criminal records. We select all candidates for interview based on their skills, qualifications, and experience.

For positions where a criminal record check is identified as necessary, 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.

A criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences. We only ask an individual to provide details of convictions and cautions that we 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), we can only ask about convictions and cautions that are not protected.

The Code also obliges recipients to have a written policy on the recruitment of job applicants with a criminal record, which can be given to all applicants for positions where a disclosure is requested. This policy statement is made available to all job applicants at the outset of the recruitment process. Further guidance on the filtering of old and minor cautions and convictions is available from the Ministry of Justice and the DBS.

All applicants invited to interview are encouraged to disclose any convictions or cautions early in the application process. It is vital to provide complete details on application forms and related materials if you have received convictions or cautions, whether spent or not, especially if they may appear on a DBS certificate. Failure to accurately complete this information may lead to dismissal after employment begins, or withdrawal of a job offer.

We ensure that all those involved in managing the recruitment and selection process have been suitably trained to identify and assess the relevance and circumstances of offences and have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.

At interview, or in a separate discussion, we 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. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We undertake to discuss any matter revealed in a disclosure with the job applicant before withdrawing a conditional offer of employment.

Information from DBS disclosures will only be used for the specific purpose for which it was requested and in accordance with the DBS Code of Practice and Data Protection legislation. This policy statement will be reviewed regularly to ensure compliance with current legislation and best practice.

## **9. Monitoring, Review and Responsibility**

- This policy will be reviewed by the Assistant Principal – HR every three years or when legislative changes occur.

## Appendix 1

### Glossary of Terms

#### **Barred List**

A list maintained by the DBS of individuals barred from working with children and/or vulnerable adults.

#### **DBS (Disclosure and Barring Service)**

A UK government body that helps employers make safer recruitment decisions by processing criminal record checks and maintaining the Barred Lists for working with children and vulnerable adults.

#### **DBS Certificate**

An official document issued by the DBS containing details of a person's criminal record, including cautions, convictions, and any information held by police or government departments.

#### **Enhanced DBS Check**

A type of DBS check that includes all the information in a standard check plus any additional information held by local police considered relevant to the role applied for. It may also include checks against the Barred List.

#### **Local Authority Designated Officer (LADO)**

A local authority official responsible for managing allegations against adults who work with children.

#### **Regulated Activity**

Work that involves close and unsupervised contact with children or vulnerable adults, such as teaching, training, or personal care. Roles involving regulated activity require enhanced DBS checks with Barred List information.

#### **Risk Assessment**

A process to evaluate the risks associated with allowing a new starter to begin work before their DBS certificate is received, including reviewing previous certificates and references.

#### **Safer Recruitment**

A set of practices and training to ensure that recruitment processes deter, identify, and reject unsuitable candidates for work with children and vulnerable adults.

#### **Sensitive Applications Route**

A confidential process for transgender applicants to apply for a DBS check without disclosing their previous gender identity on the certificate.

#### **Single Central Record (SCR)**

A record maintained by the College that contains details of all staff, volunteers, and others who work with children or vulnerable adults, including their DBS check status.

#### **Spent Conviction**

A conviction that, after a certain period, does not need to be disclosed to employers, except for roles that require enhanced DBS checks.

#### **Update Service**

A subscription service offered by the DBS that allows individuals to keep their DBS certificate up to date and allows employers to check the status of a certificate online.

## Appendix 2

### Table of responsibilities

Role/Group	Key Responsibilities
Agency/Contractor Employers	<ul style="list-style-type: none"><li>• Obtain necessary DBS/enhanced checks for their staff</li></ul>
All Applicants	<ul style="list-style-type: none"><li>• Disclose all relevant convictions/cautions at application stage</li></ul>
All Employees	<ul style="list-style-type: none"><li>• Maintain active DBS Update Service subscription</li><li>• Present original DBS certificate to HR</li><li>• Disclose any police action or new convictions to manager immediately</li></ul>
All Managers (Recruitment)	<ul style="list-style-type: none"><li>• Complete safer recruitment training (at least one per panel)</li><li>• Review screening forms for positive disclosures</li></ul>
Assistant Principal – HR	<ul style="list-style-type: none"><li>• Decide on suitability for employment</li><li>• Review policy every three years or when legislation changes</li></ul>
DSL	<ul style="list-style-type: none"><li>• Audit Single Central Record quarterly</li></ul>
Estates Team	<ul style="list-style-type: none"><li>• Include safeguarding requirements in contractor procurement</li></ul>
Governors	<ul style="list-style-type: none"><li>• Audit contractor compliance</li><li>• Maintain oversight of policy and operation</li><li>• Participate in termly SCR checks</li><li>• Verify and securely store DBS certificates</li></ul>
HR Team	<ul style="list-style-type: none"><li>• Destroy previous certificates</li><li>• Log access to disclosure information</li><li>• Confirm agency/contractor checks</li><li>• Provide original DBS certificate</li></ul>
New Employees	<ul style="list-style-type: none"><li>• Register for Update Service</li><li>• Complete risk assessment if starting before certificate arrives</li></ul>
Line Managers	<ul style="list-style-type: none"><li>• Complete risk assessment for early starters</li><li>• Conduct formal interviews for positive disclosures</li><li>• Report outcomes to Assistant Principal – HR</li></ul>
Volunteers	<ul style="list-style-type: none"><li>• Undergo relevant DBS checks if role requires</li></ul>