



## **Hertford Regional College**

# **Disclosure and Barring Service (DBS) Checks for Students Procedure 2020-21**

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## **Section 1: Procedure Purpose and Background**

Current legislation (Safeguarding Children and Safer Recruitment in Education) requires anyone who wishes to work with vulnerable groups, including children, to acquire a Disclosure through the Disclosure and Barring Service (DBS). This includes learners on work experience.

It is, therefore, the policy of Hertford Regional College to require applicants to certain courses to acquire a Disclosure and to make their disclosure available to their curriculum manager.

Disclosures acquired whilst on a College course will be deemed valid for the duration of that course and for progression on to the next level within the same curriculum area. On application to any subsequent course applicants may be expected to obtain a further disclosure.

The DBS screening process will help identify the appropriateness of chosen course, of prospective students. Checking is very strictly regulated under the Data Protection Act and is undertaken by the Disclosure and Barring (DBS) Service.

All offers of a place on a course designated as requiring a DBS check are conditional upon receiving a satisfactory DBS Disclosure Check.

All students should be given the opportunity to explain what they think may be the outcome of a DBS check during the application process

Information disclosed through the DBS will not automatically exclude a learner from being offered a place on a course. Issues will be discussed on an individual and case by case basis. (See section 2).

The cost of obtaining the disclosure will be borne by the applicant. An application will only be forwarded to the DBS for processing on receipt of the full sum in cash or a cheque made payable to Hertford Regional College.

### **Equality and Diversity Statement**

HRC is committed to the promotion and development of equality and diversity. This procedure is designed to ensure consistent, effective and fair treatment for all and has been impact assessed to ensure that it does not adversely affect users on the grounds of age, disability, race, gender, sexual orientation, gender reassignment, religion and belief or pregnancy and maternity. This procedure will be implemented in accordance with our Single Equality Scheme.

See Appendix 1 for Equality Impact Assessment

### **General Data Protection Regulations (GDPR) Statement**

When dealing with Student DBS, the College processes personal and sensitive data collected in accordance with its data protection policy. Data collected by the College as part of the student DBS checks is held securely and accessed by, and disclosed

to, individuals only for the purposes of managing disciplinary issues. Inappropriate access or disclosure of personal data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately.

## **Section 2: Procedure of using DBSs for recruiting to courses**

Applicants for the courses that require a DBS check are informed of the requirement to obtain a satisfactory disclosure via the prospectus, the website, the Information Centre staff and at application and interview.

For these courses that are risk assessed as requiring a DBS check the DBS process will take place at enrolment and applicants will be asked to have the documents establishing their identity, other necessary information and payment available at this time. Refusal to undertake a DBS disclosure check may lead to non-acceptance on these courses.

Applicants can be helped by the Curriculum Area to complete a Disclosure application form following the DBS guidance. If any student has concerns about what might come back on their disclosure, they should seek to discuss this with an appropriate person in the Curriculum Area as soon as possible.

A member of the Curriculum Area staff will check and complete the relevant sections for verification of identity and address history.

The completed application will be passed to a counter-signatory (Curriculum Area Manager or Director of Curriculum) who will send the application to the DBS for processing.

If a clear DBS check is returned, the student is able to work with children, young people or vulnerable adults and the course offer will stand.

No placement should be entered into without the DBS check being returned.

An unsatisfactory DBS check could put children, young people or vulnerable adults at risk and lead to the withdrawal of the conditional offer of a place on a course.

If the disclosure comes back with criminal information declared, then a thorough risk assessment needs to be undertaken.

The Curriculum Area staff must look at both the course, potential jobs and the person and weigh up whether there is a potential risk to the service user(s) or other students on the course. Remember our foremost duty is the safety of the children, young people and/or vulnerable adults.

If there is a reprimand, caution or conviction listed, the college will use the same questions as Hertfordshire County Council when deciding whether the outcome of DBS checks is satisfactory or that the individual concerned is not suitable to work with children, young people or vulnerable adults.

These questions are:

- How does the offence impact on the role that the person has applied for?
- What is the nature of the crime?
- Is the offence a one off or are there a number of offences?
- How long ago it occurred?
- Is it a juvenile or adult offence?
- What were the circumstances involved?
- Is the behaviour behind the crime a concern?
- Is the context behind the crime a concern?
- Has the situation leading to the crime changed?
- What evidence is there of change?
- What is the person's attitude to the crime?
- What are the course and work experience requirements of the course?
- Are there safeguards against offending at work placements – is the role supervised or does it involve unsupervised work?

These questions will be used in conjunction with the [Hertfordshire Safeguarding Children Board Safe Staffing Handbook](#).

If the judgement is that an offer could be made, the Curriculum Area, with the agreement of the individual will ask two placement providers if the DBS information would prevent them from providing a work experience placement. The outcome of this will determine whether the offer stands or is withdrawn.

Any individual who is to be withdrawn or have no offer made to them because of concerns with a DBS check will be written to by the Curriculum Area Manager.

Individuals have the right to appeal these decisions, in writing to the Head of Student Services.

In certain rare circumstances, a student over 18 who will be studying on a course with predominately under 18s may need to undergo a DBS check also if their course means they may come in to contact with under 18s on campus this may also apply. Should a Curriculum Area consider it necessary to carry out such a check, they must seek the advice of the Head of Student Services first, and the individual should be told the reasoning and the process. In this circumstance the older student may begin the course on the condition that the DBS check is returned "satisfactory". In such a circumstance it will be necessary to complete a risk assessment if it is felt risk cannot be mitigated the student will have to wait until DBS is returned for their course to commence.

### **Section 3: Secure storage, handling, use, retention and disposal of disclosures and disclosure of information**

Hertford Regional College is registered with the Disclosure and Barring Service (DBS) for the purposes of assessing the suitability of applicants/learners for positions of trust. This extends to applicants for, and learners enrolled on courses with the requirement to complete work placements with children or vulnerable adults. The College complies fully with the DBS Code of Practice regarding correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

The College also complies fully with its obligations under the Data Protection Act, GDPR and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

The handling of Disclosure information provided by students, either received directly from the student or from the DBS, is restricted to the Lead Signatory (the HR Director), the Counter-signatory (the Director of Curriculum, Curriculum Area Manager or the Head of Student Services) and the relevant Curriculum Area administrator.

## **Storage and Access**

Disclosure information is always kept separately and securely, in lockable, non-portable, storage containers with access 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.

The College maintains a record of all those to whom Disclosures or Disclosure information has been revealed. The College recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it. Copies should not be made of DBS certificates instead information should be recorded on the appropriate form.

## **Usage**

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

## **Disposal**

All information relating to the DBS should be destroyed once the DBS certificate has been shown.

However, the Department Administrator will record the following information electronically.

- The date of issue of the disclosure
- The name of the applicant
- The type of disclosure requested
- The course for which the disclosure was requested
- The unique reference number of the disclosure
- Details of the recruitment decision made

#### **Section 4: Disqualification by association and work placements students**

Supplementary guidance to [Keeping Children Safe in Education](#) was issued by the Department for Education (DfE) in February 2015 on the application of the [Childcare \(Disqualification\) Regulations 2009](#).

The statutory guidance called [Disqualification under the Childcare Act 2006](#) states that school staff are disqualified from working in a school when they live or work in the same household as someone who is barred from working with children or young people, even if they would not otherwise be disqualified themselves

Students who are engaged in supervised work experience within nursery and school settings, do not fall within scope of the Childcare (Disqualification) Regulations 2009 as they are not employed in connection with or providing childcare. The regulations will come into force when a person is employed in connection with providing childcare in the relevant settings, irrespective of their age. Students are therefore not required to sign a childcare declaration form with their placement provider.

<b>Date of Document Establishment and Initial Approval</b>	October 2008
<b>Version Number</b>	Version 5 –June 2020
<b>Approving Body</b>	Senior Leadership Team
<b>Designated Owner</b>	Head of Student Services
<b>Linked Policies &amp; Procedures</b>	Safeguarding Children & Vulnerable Adults and Prevent Policy & Procedure Data Protection Policy Admission Policy Confidentiality Procedure
<b>Date of Last Review</b>	June 2020
<b>Date of Next Review</b>	June 2021



## Appendix 1 HRC Equality Impact Assessment

Impact Assessment for the 4 strands of Equality, Safeguarding, Health and Safety and Sustainability	
Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working	
<p><b>Title of Procedure:</b> Disclosure and Barring Service (DBS) Checks for Students</p> <p><b>Author and Date:</b> Philip Line June 2020</p>	<p>New <input type="checkbox"/> Revised <input checked="" type="checkbox"/></p> <p>Expected Implementation Date: September 2020</p> <p>What is the review date: June 2021</p>
<p><b>Equality and Diversity.</b> Which of the characteristics maybe impacted upon? And, if yes, how has this been considered?  What are the risks? What are the benefits?</p>	<p>No characteristic would be adversely affected by this procedure. The College requires all applicants who apply for specific courses to undertake DBS checks prior to starting the course. All offers for courses where there is a DBS check requirement will be conditional to the successful DBS clearance. This is made clear in HRC Admission Policy</p>
<p><b>Safeguarding: (inc. Prevent )</b> Are there any aspects of this proposal which could cause a student/member of staff/visitor to feel unsafe? If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><b>Health and Safety:</b> Have any risks been identified? If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><b>Sustainability:</b> Are there expected impacts on sustainability issues? If yes, how have these been considered?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><b>Evidence:</b> What evidence do you have for your conclusions and expectations for these conclusions?  How will this impact be monitored for all these considerations?</p>	<p>All learners go through a clearly defined process. Guidance and support is provided in completing DBS application.</p> <p>Annual review of procedure</p>
<p>Is this policy of a high/medium or low risk?</p>	<p>High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input checked="" type="checkbox"/></p>

## Appendix 2- Guidance for Disclosure Applicants

**The following guidance for Disclosure applicants is designed to help answer any questions applicants may have about the service. Please ensure that those you have asked to apply for a Disclosure receive a copy.**

### **What is a Disclosure?**

A Disclosure is a document containing information held by the police and government departments. It can be used by employers and voluntary organisations to make safer recruitment decisions. Disclosures are provided by the Disclosure and Barring Service (DBS), an executive agency of the Home Office.

The Disclosure service offers organisations a means to check the background of job/learner applicants to ensure that they do not have a history that would make them unsuitable for posts/courses/work experience. Disclosures will provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer (PNC).

### **Disclosures**

Hertford Regional College requires applicants to some of its courses to complete a disclosure.

In addition to the check on the Police National Computer, a Disclosure also includes a check on local police records. Where local police records contain additional information that might be relevant to the course, the applicant is being considered for, the Chief Officer of police may release information for inclusion in a Disclosure. Exceptionally, and in a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Counter signatory and should not be revealed to the applicant.

### **Why have I been asked to apply for a Disclosure?**

You may have been asked for a Disclosure because you may be working with vulnerable groups, including children; or will be working in an establishment that is wholly or mainly for children; or will be working in healthcare. There are also a number of other specified positions and professions for which a Disclosure can be required. To find out more please visit the DBS [Website](#)

### **Can I refuse to apply for a Disclosure?**

There is no general obligation to apply for a Disclosure and Barring Service check but other rules may make it compulsory to check the lists held by the relevant government departments or associated bodies of those who are banned from working with vulnerable groups, including children. In either event, the College may choose to withdraw the offer of a place on the course if an applicant declines to apply for a Disclosure.

### **Who will receive my Disclosure?**

You will receive your Disclosure in the post. You will need to bring your Disclosure to college to show the Curriculum Administrator.

### **When will I receive my Disclosure?**

The DBS aims to process 90% of Disclosure applications within three weeks of the DBS receiving the completed application form, together with any additional information requested.

### **How do I know that the information contained on my Disclosure will be kept confidential?**

Organisations using the Disclosure service must comply with the DBS Code of Practice, which is there to make sure the whole process works fairly.

Under the provisions of the Code, sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. The Code of Practice is published on the Disclosure website, or you can request a copy from the person who asked you to apply for the Disclosure.

### **What if I have a criminal record that may not be relevant to the College course for which I am applying?**

Safeguards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are not treated unfairly.

Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974. The Code of Practice for Registered persons and other recipients of Disclosure information will govern Registered Bodies' conduct and prevent abuse of the system.

The DBS is working with a number of organisations, such as the Chartered Institute of Personnel and Development (CIPD) and the National Association for the Care and Resettlement of Offenders (NACRO), who have produced guidance information for employers on this matter. Information can be obtained from the Disclosure website.

### **Can I challenge the information on my Disclosure if it is incorrect?**

Yes. If you think that any information contained on your Disclosure is incorrect please contact the Disclosure dispute line on 0870 90 90 778 immediately and ask about the dispute procedures.

### **For how long will Disclosures be valid?**

Each Disclosure will show the date on which it was printed, therefore, the older the Disclosure the less reliable it is. However, there will be no expiry date. As part of good practice at HRC student DBS will be valid up to three years and students are encouraged to apply for the DBS update service

### **DBS update service**

The online Disclosure and Barring Service (DBS) update service allows:

- applicants to keep their DBS certificates up to date
- employers to check a DBS certificate

You need to register to use the [DBS update service](#)

Registration costs £13 per year (payable by debit or credit card only). There is no charge if you are a volunteer.

If you join the service, you can then use your DBS for any new jobs or roles with children. You won't have to apply for a new certificate each time.

You have to subscribe to the DBS update service within 30 days of your certificate being issued.

**Who pays for my Disclosure?**

You will be expected to pay for your Disclosure.

**Further information**

If you would like more information about the Disclosure service or the DBS please refer to the [DBS Website](#).

(Telephone calls are charged at national rate. Calls will be recorded for security and may be monitored for training purposes).