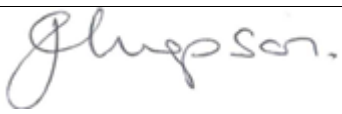





## MidKent College Human Resources Policy

Document Details			
<b>Policy Number</b>	MKC-HR-DBS-2023-2026	<b>No. of Appendices</b>	2
<b>Document Title</b>	<b>DBS Checks Policy</b>		
<b>Document Description</b>	HR Employment Policy for MKC staff		
<b>Effective Date</b>	November 2023	<b>Review Date</b>	November 2026
<b>Version Number</b>	1.0 2023	<b>Review Cycle</b>	November 2026
<b>Document Status</b>	<b>Approved</b>	<b>New Policy</b>	No

Document Authorisation				
	Authorisation Required	Initial and Role	Digital Signature	Date
Author	No			
Owner	Yes	Director of People		06/11/2023
SLT Review	No			
Exec Approver	No			
Union Approver	Yes/No	SG Branch Secretary		06/11/2023
GB Sub Committee	No			
Full GB Committee	No			

<b>Policy Cross References - This policy should be read in conjunction with any other associated policies, with particular reference to</b>	
<b>Policy Name</b>	<b>Policy Number</b>
DBS Code of Practice	Government Document
Disciplinary Policy	--
Data Protection Policy	Information Governance Policy
Personal File Access & HR Records Retention Policy	--
Safer Recruitment & Selection Policy	MKC-HR-SRP-2023-2026
Staff Induction & Development Policy	MKC-HR-SI&DP-2023-2026

<b>Document Revision History</b>		
<b>Version Number</b>	<b>Date</b>	<b>Summary of Revision</b>
V1 2023	November 2023	New Section 6
V1 2023	November 2023	Section 11 updated
V1 2023	November 2023	General update of terminology and job titles

## **1. Introduction**

- 1.1. This policy is to inform both managers and staff of their responsibilities in relation to the required checks and procedures related to the Government's Disclosure and Barring Service (DBS).
- 1.2. The key focus of this policy is to ensure that all those covered by this policy are clear on their duties and responsibilities in respect of the safeguarding and protection of children and vulnerable adults.
- 1.3. This policy sets out MidKent College's commitment to comply with the DBS Code of Practice, to treat prospective employees fairly and not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

## **2. Scope and Aim of Policy**

- 2.1. This policy applies to the recruitment and continued employment in all posts within MidKent College, which are positions of trust with access to vulnerable adults or young people. This also applies to all hourly paid appointments, contractors, voluntary positions within MidKent College and any other roles as determined by the Director of People.
- 2.2. The purpose of this policy is to assist anyone affected by these DBS requirements to understand and comply with the regulations covering DBS vetting.
- 2.3. Where staff move to a position with increased responsibilities and/ or increased contact with students, the College may require an updated DBS check to be completed.
- 2.4. The College reserves the right to request that DBS checks be completed by anyone covered by this policy every three years.
- 2.5. It should be noted that DBS counter signatories are not allowed to validate any DBS products or applications either for themselves, relatives or any one they are in a personal relationship with.

## **3. DBS**

- 3.1. The Disclosure & Barring Service (DBS) is the organisation which is an executive non-departmental public body of the Home Office. The DBS is responsible for processing requests for criminal records checks and deciding whether it is appropriate for a person to be placed on or removed from a barred list, including placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.

- 3.2. As the majority of staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information, will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:
- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
  - will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children;
  - engage in intimate or personal care or overnight activity, even if this happens only once.
- 3.3. For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.
- 3.4. In addition to obtaining any DBS certificate as described above, the College reserves the right to carry out additional checks on any member of staff who is appointed to carry out teaching work to ensure they are not prohibited from teaching.

#### **4. New appointments**

- 4.1. Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.
- 4.2. As part of the Safeguarding and vetting checks, when appointing new staff the College will:
- verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;
  - obtain (via an on line provider) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) OR an enhanced DBS check via the update service subject to viewing the original DBS certificate;
  - obtain a separate barred list check if an individual will start work in regulated activity, before the DBS certificate is available (as part of risk assessment process, see below);
  - verify the candidate's mental and physical fitness to carry out their work responsibilities by the completion of a confidential occupational health questionnaire;
  - verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then the College will follow advice on the GOV.UK website;
  - if the person has lived or worked outside the UK, the College may make any further checks deemed appropriate;
  - verify professional qualifications.

## 5. Recruitment of New Employees

5.1. See Appendix 1 for flow chart of the process

5.2. When an enhanced check is required, lanyards will be issued on the following basis:

- **Red Lanyard** - In exceptional cases where conditional offers have been made, individuals may commence work provided the self-declaration (contained on the application form declaring any criminal records) has been completed. In these cases the new member of staff can only be issued with a Red lanyard by Reception staff and must be fully escorted by an existing, fully vetted, member of staff at all times. This should only happen in exceptional short notice cases. In this case HR staff will require the individual to provide the appropriate information/ documentation during the induction process.
- **White Lanyard** - Appointing Managers must undertake a DBS risk assessment in liaison with the HR Department prior to any candidate starting work at the College. As part of the risk assessment managers should consider whether and what degree of supervision is necessary for staff employed on this basis. It will be the manager's responsibility to oversee these arrangements. The risk assessment form is initiated by the Human Resources department. In these cases, once the DBS risk assessment has been signed off, the new member of staff can be issued with a White lanyard by Reception staff. In this case HR staff will require the individual to provide the appropriate information/ documentation during the induction process.
- **Silver Lanyard** – The original DBS vetting certificates should be presented to the HR Department for checking and recording on the HR database. Once this has been received the HR Department will issue a Silver lanyard.

5.3. **Clearance stages**

- Staff are asked to complete an online DBS form.
- Individuals must bring in the required forms of identification that need to be sent off with the form. These must be presented in person, be the originals and comply with DBS requirements as specified on the Government website.
- HR staff will check and copy the forms of identification provided and return originals to individuals while they are still present.
- HR staff will validate the online application and confirm this is accurate in order for the online checking and application process to be completed.
- The completed DBS certificate is sent to the individual's home address and HR receive a notification that this has been completed and whether the check is clear or not.
- HR will upload the on line confirmation of the DBS check onto the relevant personal record on the HR database.
- If there is an issue of concern raised by the online check the individual will be asked to present the original DBS certificate in person to an HR

Business Partner or the Director of People as soon as possible. Failure to do so, may result in the withdrawal of any offer of employment.

- Notes relating to this meeting will be made and uploaded onto the employee file.

## 6. Where an unprotected conviction or caution is disclosed

- 6.1. If the College has concerns about the information that has been disclosed by the DBS, or the information is not as expected, the College will discuss its concerns with the prospective employee and carry out a risk assessment.
- 6.2. If a prospective employee is not barred from working with children or vulnerable adults, but nevertheless has a criminal record, it is up to the College to decide on their suitability for the role. The College will not refuse a prospective employee employment simply on the basis that they have a criminal record.
- 6.3. Before making a decision, the College will:
  - give the prospective employee the opportunity to address its concerns before making any decisions; and conduct a risk assessment.
- 6.4. In conducting a risk assessment, the College will take account of:
  - the relevance of the conviction or other matter revealed to the position in question.
  - the seriousness of the offence or other matter revealed.
  - the circumstances of the offence.
  - the age of the offence.
  - whether there is a pattern of offending.
  - whether circumstances have changed since the offending took place.

## 7. Level of Disclosures

- 7.1. **Standard Disclosures** - are primarily for posts that involve regular contact with children and young people under the age of eighteen or vulnerable adults. A standard check includes details of all convictions, cautions, reprimands and warnings whether spent or unspent.
- 7.2. If the position involves working with children or vulnerable adults and the relevant boxes have been marked on the application form the disclosure will also include:
  - Information from the Protection of Children Act List (PoCA); Information from the Protection of Vulnerable Adults List (POVA); and Information held on List 99, which contains the names of those considered unsuitable or banned from working with children.
- 7.3. **Enhanced Disclosures** – the highest level of disclosure for posts involving a far greater degree of contact with children or vulnerable adults. In general, the

type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples of posts which will require an Enhanced Disclosure include a Lecturer, Personal Tutor, Learning Support Co-ordinator, Learning Support Assistants and Counsellor. See Appendix 2.

- Enhanced Disclosures contain the same information as Standard Disclosures, but with the addition of local police force information considered relevant by Chief Police Officers.
- Enhanced with barred list check: where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

- 7.4. **Overseas DBS Checks** – When a job is offered to an applicant who has spent six months or more abroad in the last 5 years, it will be necessary to apply for an overseas criminal records check or “Certificate of Good Character”. The specific process for this check will vary from country to country and it will be necessary either to contact the relevant country or their Embassy in the UK. Successful applicants will be advised if this is required and the information required for the relevant process.
- 7.5. **Work Placement / Teacher Training** – the arrangements for DBS checks will also apply to trainees and others engaged for limited periods of practical work as part of their training/ qualification. Enhanced Disclosures should not routinely be sought for trainees if work is carried out under supervision. If a check is required a Standard Disclosure will probably be sufficient in the majority of cases.
- 7.6. **Sessional Staff** – a DBS check must be carried out on all Sessional Teaching positions and Sessional Learning Support Co-ordinator and Learning Support Assistant posts. It is anticipated that all Sessional Support posts will require a DBS check. As guidance, a DBS check would be required where sessional staff are deployed in positions which would normally be checked by the College.
- 7.7. **Contractors** - Must be vetted to the same DBS standard as the equivalent College staff and will be issued with a White lanyard and a standard contractors ID card.
- 7.8. **Long Term Curriculum Contractors** - Contractors engaged in Curriculum posts must be vetted to the same DBS standard as other Curriculum staff. Once the relevant DBS certificate has been received they will be issued with a Silver lanyard and an ID badge which shows their name and picture.
- 7.9. **Governors** – Will be subject to enhanced DBS checks as for staff employed by the college.
- 7.10. **Volunteers** – are also seen by children and vulnerable adults as safe and trustworthy adults and if managers are considering utilising the skills of volunteers the same recruitment checks must be adopted for them as paid staff.

- 7.11. **Students** – Any students at the College that require DBS vetting for their industry work placements, will have their check processed by the counter signatory for the relevant Department they are studying with. The relevant Department will be responsible for the secure recording and retention of any such information.
- 7.12. The DBS code of practice is available from Human Resources and on the Employment Policies page of the HR pages of SharePoint. The Standard & Enhanced DBS Check Privacy Policy can be accessed via the below link.  
<https://www.gov.uk/government/publications/standard-and-enhanced-dbs-check-privacy-policy/standard-and-enhanced-dbs-check-privacy-policy>
- 7.13. Further details and advice can be found on the DBS website.  
<http://www.homeoffice.gov.uk/dbs>

## 8. Appeals

- 8.1. If an applicant receives a DBS certificate which they believe contains inaccurate incorrect information: The Director of People will make them aware of the appeals and reporting procedure outlined on Gov.UK and will contact the DBS service. Until the appeal has been resolved the matter will be dealt with in accordance with the recruitment of ex-offenders section on the Safer Recruitment & Selection Policy. Relevant additional safeguards will be put in place depending upon the nature of the issue.

## 9. The Single Central Record

- 9.1. In addition to the Enhanced DBS check, the Single Central Record also indicates that the following have been completed:
- Identity checks;
  - Qualification checks for any qualifications required for the job;
  - Checks of right to work in the United Kingdom;
  - Barred Lists checks;
  - Further overseas records checks where appropriate
- 9.2. The record also shows the date on which each check was completed or the relevant certificate obtained, and also shows who carried out the check.

## 10. Recruitment of Ex-Offenders

- 10.1. As an organisation using the Criminal Records Bureau (DBS) Disclosure service to assess applicants' suitability for positions of trust, MidKent College complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The Recruitment & Selection policy contains guidance on the recruitment of Ex-Offenders and is available from the HR

pages on SharePoint.

## **11. Change of Personal Circumstances**

- 11.1. As the College does not routinely renew DBS checks, all staff will be asked on annual basis to complete a disclosure that asks whether or not they have had any changes to their DBS since it was originally issued.
- 11.2. Therefore, after vetting, should anything change that will materially affect the outcome of your vetting status, you must inform the College as soon as is practicable. Circumstances include, but are not limited to, criminal convictions, investigations or arrest.
- 11.3. Any such issue must be notified in writing to your Head of Department or Head of Service and the Director of People at the earliest possible opportunity. The circumstances will then be reviewed, in confidence, on a case by case basis. A decision will be taken as to whether or not the issue impacts upon your future employment with MidKent College and requires investigation under the College disciplinary policy.
- 11.4. At any meetings relating to issues raised by you under this section, irrespective of whether or not they relate to a disciplinary investigation, you will have the right to be accompanied by a Trade Union representative or a workplace colleague.
- 11.5. Failure to disclose any such information as soon as possible, may result in a disciplinary investigation for breach of contract in accordance with the College disciplinary policy.

## **12. Disclosure on Student Checks**

- 12.1. Any student accepted onto a study programme requiring a regulated activity work placement will be required to undergo an enhanced DBS check. Any convictions or cautions will be referred by the signatory to the designated lead safeguarding officer for the College to determine the professional suitability and to advise on whether the student should be temporarily or permanently withdrawn from the study programme. This matter will be considered in accordance with the College student safeguarding processes.

## **13. Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information**

- 13.1. As an organisation using the Criminal Records Bureau (DBS) Disclosure service MidKent College 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 Data Protection and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. Please refer to the College Data Protection Policy.

#### **14. Storage and access**

- 14.1. Certificate information is never kept on an applicant's personnel 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.

#### **15. Handling**

- 15.1. Certificate information is only passed to those who are authorised to receive it in the course of their duties.
- 15.2. The College maintains a record within the notes section of the Single Central Record of all those to whom certificates or certificate information has been revealed and the date the information was shared. The College recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

#### **16. Usage**

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

#### **17. Retention – Staff Records**

- 17.1. Once a recruitment, or other relevant, decision has been made, the College will retain the certificate number on the relevant staff record on the HR database for the duration of the employment of that staff member.
- 17.2. We will not keep any electronic copy, photocopy or other image of the certificate or any copy or representation of the contents of a certificate. We may keep notes taken during meetings relating to DBS contents only if relevant.

#### **18. Disposal – Staff Records**

- 18.1. After the member of staff has left the College, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision taken. This electronic record will be retained in accordance with the College

## Personal File Access and HR Records Retention Policy.

### 19. Retention – Student Records

- 19.1. Once a recruitment, or other relevant, decision has been made, the College does not keep certificate information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six-months, the College will consult the DBS about this and will give full consideration to the Data Protection Act and Human Rights Act and inform the individual subject before doing so. Throughout this time, the conditions regarding appropriate, safe storage and strictly controlled access will prevail.

### 20. Disposal – Student Records

- 20.1. Once the retention period has elapsed, the College will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate 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 certificate or any copy or representation of the contents of a certificate.
- 20.2. However, notwithstanding the above, the College may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision taken.

### 21. Online Tracking Service

- 21.1. The online tracking service provides customers with a facility to track the progress of their disclosure application form online. To find out more about this facility visit <http://www.homeoffice.gov.uk/dba>

### 22. Portability Guidance

- 22.1. The DBS no longer facilitates portability, organisations that choose to accept previously issued Disclosures do so at their own risk. There may be instances when a Disclosure issued for one position could be used for another job or voluntary position. The over-riding consideration must be safety and the nature of the duties concerned and the type of Disclosure sought will affect whether it is necessary to reapply.

## 23. Duties and Responsibilities

### Recruiting Managers

- 23.1. College Managers in conjunction with the Human Resources Department are required to identify whether posts within their sphere of responsibility involve “access” to children and vulnerable adults. This decision will determine what level of disclosure is required and should be made prior to the post being authorised. In most cases, it should be clear from the nature of the work whether there would be access to children or vulnerable adults.
- 23.2. The majority of posts within MidKent College will require a police check to be carried out. Therefore, when an applicant has been successfully interviewed for such a post, but **before** a substantial offer of appointment is made, applicants must complete a disclosure application form. Identification documents will be verified by the Human Resources department.
- 23.3. In certain circumstances it will be possible to allow a candidate to start before receiving DBS clearance, providing the line manager in collaboration with the Director of People, has undertaken a risk assessment and that both parties are happy that the risks have been minimised. Risk assessment forms can be obtained from the HR Department. The Human Resources Department can assist with the completion of the DBS risk assessment if needed.
- 23.4. In the case of agency staff, College managers must confirm with the agency that appropriate checks have been carried out. Any arrangement with the agency must impose an obligation on the agency to carry-out the same standard of DBS checks as the College.
- 23.5. Newly appointed staff and previous employees who have not worked for the College within three months before their appointment date will need to be checked. Existing staff who have not been checked and move post and were not previously eligible for a DBS check may require a DBS check and advice must be sought from Human Resources. Increased contact with students will automatically require the member of staff to be re-vetted.
- 23.6. Previous employees who return to the College within three months of leaving and are re-employed in a post which requires a DBS check will be subject to a check if they had not previously been checked. For example, not previously eligible as they were appointed before 1 April 2002.
- 23.7. In some cases, the situation may be less clear, especially in relation to volunteers. In this instance a judgement must be made on the amount of access to children/ vulnerable adults. All vetting decisions must be checked with HR.

### Responsibilities of Applicants and Existing Staff

- 23.8. All applicants to MidKent College will need to complete the on line MidKent College application form. In completing this form, and applying for positions

with the College on line, applicants are agreeing to an automatic police check being carried out. If an applicant completes a hard copy paper form and submits this to the College they are automatically agreeing to police checks being carried out by signing this form. Applicants who do not sign the hard copy application form will not be put forward for shortlisting.

- 23.9. Prospective and existing College staff are required to co-operate at all times with MidKent College in the application of the protection of children and vulnerable adults arrangements. This includes completion of any designated mandatory training including on-line training packages. For further information please refer to the College Staff Development & Induction Policy.
- 23.10. Where the information provided by the DBS does not agree with that provided by the applicant MidKent College would, before reaching a decision to appoint, discuss the discrepancy with the person. Where there is a disagreement, the person should have the opportunity to see the information provided by the DBS (not including additional information).
- 23.11. A person who believes that the information is incorrect and who wishes to make representations to the DBS should do so in the first place through the appropriate Nominated Officer.
- 23.12. These arrangements apply to existing staff or volunteers who may transfer from other work within MidKent College to positions that require police checks.

#### **Human Resources Department**

- 23.13. The Human Resources Department will ensure that all those within the organisation who are involved in the recruitment 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, e.g. the Rehabilitation of Offenders Act 1974.

## **24. Signatories**

- 24.1. The College signatories are accountable for the operation of MidKent College's checking procedures and ensuring compliance with DBS procedures and guidelines.
- 24.2. All College enquiries regarding DBS Disclosures should initially be made to:

Director of People  
External Telephone: 01622 625841

## **25. GDPR**

- 25.1. All records associated with this policy will be retained and disposed of in accordance with the HR Retention policy.

## **26. Policy monitoring, Review and Evaluation**

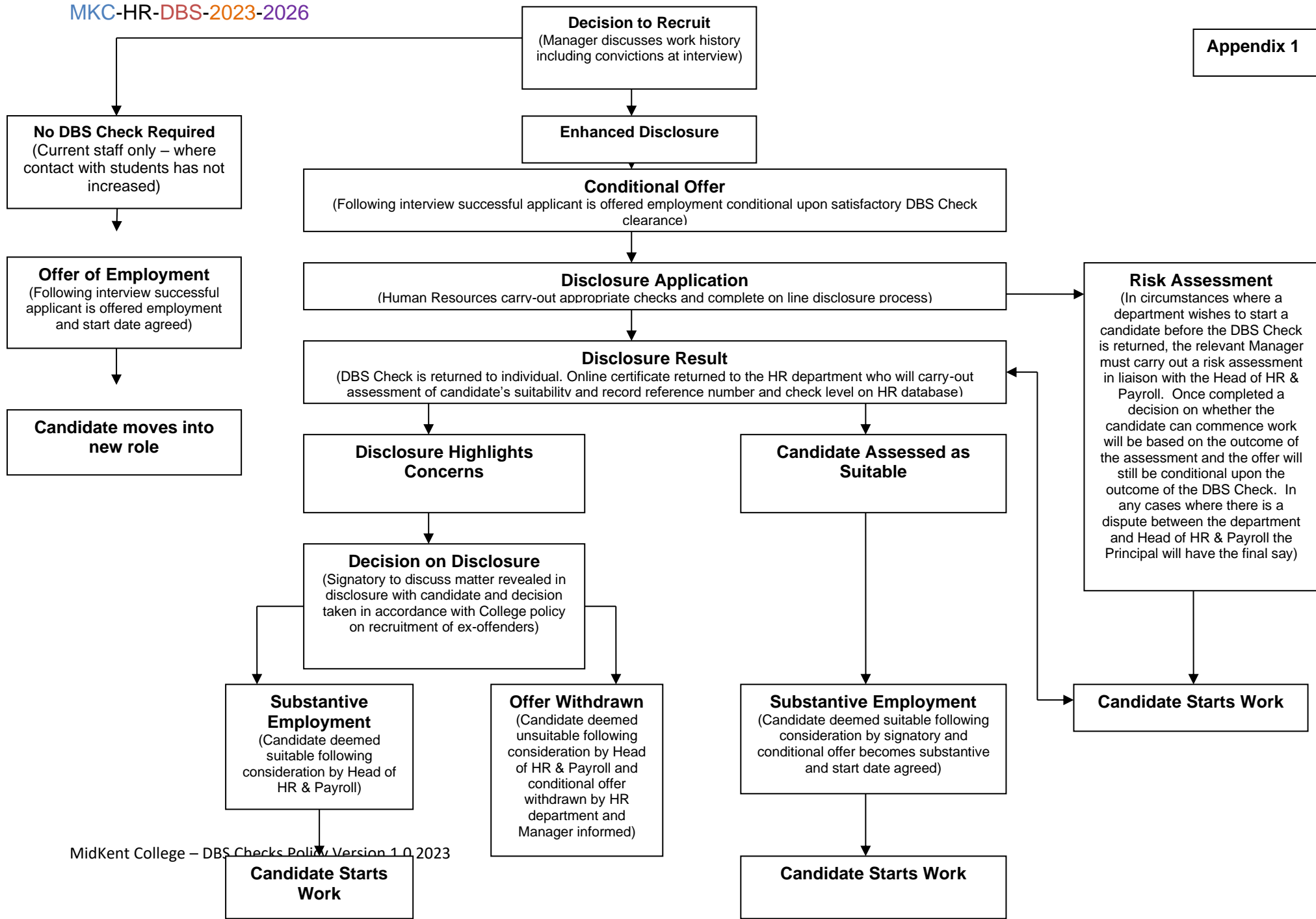
- 26.1. A review of this policy will be undertaken by the review date by the policy writer and the Senior Manager responsible. The policy will then be presented to the Executive Group and, where required, the Governing Body for approval.

## **27. Equality Impact Assessment**

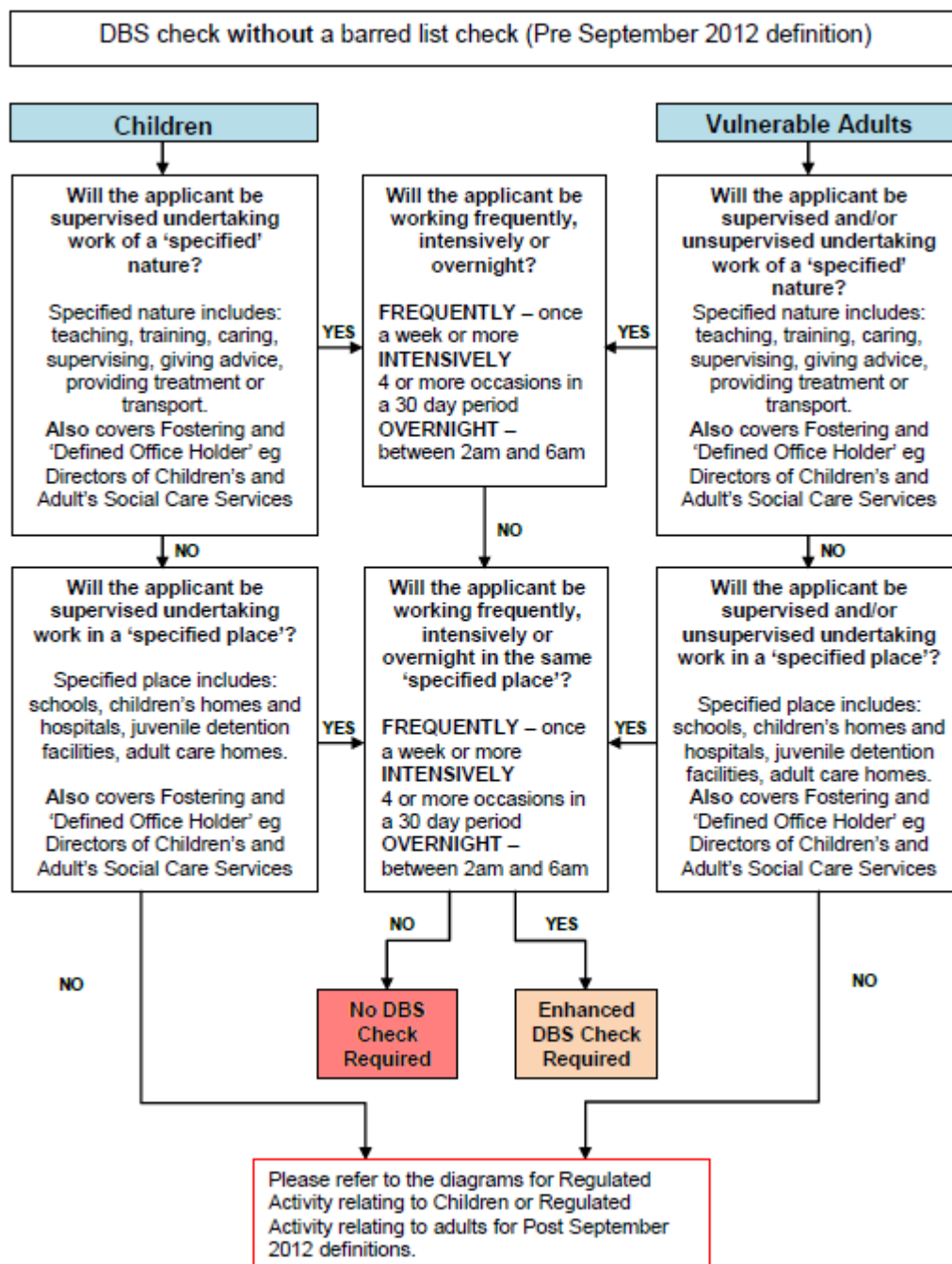
- 27.1. This policy has been Equality Impact Assessed and generates no concerns about differential impact. The Equality Impact Assessment is filed on the HR SharePoint site.

## **28. Policy Distribution**

- 28.1. A current version of this document is available via SharePoint. It does not contain confidential information and can be released to external parties  
SharePoint site.




Appendix 2



The DBS Checks policy, version 1.0 2023 has been consulted and negotiated with UCU representatives and its members on the understanding that the content will be subject to review no later than November 2026.

**For and on behalf of UCU:**

Signed: 

Name: Sukh Gill

Date: 06/11/2023

Signed: 

Name: Jey Odumade

Date: 06/11/2023

**For and on behalf of MidKent College:**

Signed: 

Name: Julia Thompson

Date: 06/11/2023