

# DBS Policy

Expansive Learning Group

October 2022

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## 1. Scope

All employees of Expanse Learning

## 2. Policy statement

The safety of children and young people is paramount, and Expanse Learning is committed to implementing the Disclosure and Barring (DBS) procedures and arrangements and will comply with the DBS Code of Practice and Data Protection Act (2018) regarding the correct handling, use, storage, retention and disposal of Certificates.

The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff with access to children under 18 years of age, vulnerable adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The DBS and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS) in December 2012.

The DBS Code of Practice requires Expanse Learning to have a written policy and procedure on the recruitment of people with a criminal record <sup>[1]</sup> (**Policy: ELGR-POL-HRM-018 - Recruitment of Ex-Offenders Policy**), and to ensure anyone applying for a vacancy at Expanse Learning receives a copy and is aware of these processes. Expanse Learning is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children, we will endeavour to prevent unfair discrimination against those with a criminal record.

This policy is designed to supplement the Safer Recruitment Policy and Procedure and applies to the appointment of all employees, paid and unpaid, including volunteers, supply staff and peripatetic staff. It is designed to assist in ensuring that all persons working at Expanse Learning are trustworthy and reliable and are not subject to any offences, which are a risk to our students or wider community.

*<sup>[1]</sup> A criminal record is a record of a person's convictions, whether spent or unspent, under the Rehabilitation of Offenders Act 1974, cautions, reprimands, final warnings, and other non-conviction information such as acquittals*

## 3. Procedure

### Disclosure and Barring Scheme and Background

The original Vetting and Barring Scheme was introduced in 2009. The Scheme was one of the recommendations made by the Bichard Report into the Soham murders and was implemented by the Safeguarding Vulnerable Groups Act 2006. There were originally two bodies involved in the Scheme:

- The Independent Safeguarding Authority (ISA) – responsible for making all barring decisions relating to individuals and for the upkeep of the lists of barred individuals.
- The Criminal Records Bureau (CRB) – a processing function relating to the barred list and the online police database.

In 2010 the Government commenced a review of the Scheme and changes were implemented in the Protection of Freedoms Act 2012. From December 2012 the ISA and CRB merged to form the Disclosure and Barring Service (DBS). Many parts of this Scheme remain unchanged, in particular it is a criminal offence:

- for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in Regulated Activity.
- to allow someone to work in Regulated Activity without carrying out the required checks.
- Where a person is removed from Regulated Activity by an employer because the person has caused harm to a child or a vulnerable adult, the DBS must be notified.

## 4. Regulated Activity

Any position undertaken at, or on behalf of Expanse Learning, will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am
- satisfies the "period condition", meaning four times or more in a 30-day period
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid or voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

Expanse Learning is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". Expanse Learning is required to carry out an enhanced DBS check for all staff, supply staff and governors who will

be engaging in regulated activity. However, Expanse Learning can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently

## **5. Enhanced Certificates**

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All Expanse Learning's DBS Certificates will be at an Enhanced level. This involves an extra level of check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate. The government's safer recruitment initiative stipulates that all staff in an educational establishment must have an enhanced Certificate.

## **6. DBS Update Service**

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The online DBS Update Service allows:

- Applicants to keep their DBS certificates up to date
- Employers to do an instance DBS check against a DBS certificate previously issued.

When the applicant initially applies for a DBS check they can register to use the Update Service with a registration cost of £13 per year. There is no charge if the applicant is a volunteer.

The DBS tracking service can be used:

- to check the progress of the DBS certificate.
- Where an applicant subscribes to the DBS Update Service the applicant must give consent to Expanse Learning to check there have not been changes since the issue of a disclosure certificate.
- To check a DBS Certificate status online Expanse Learning will obtain the applicant's permission in the first instance. Expanse Learning can then see the results from the check straight away.

## **7. Recruitment of staff**

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Job applicants will be asked to state any convictions on their application form. Those invited to attend an interview will be advised in writing that relevant criminal convictions will be discussed at the interview in order to assess job-related risks. Applicants are encouraged to submit written details, dates, and any other relevant information, in confidence, to the Shared Services Department, who will ensure the security of this sensitive information.

To speed up the recruitment process, applicants invited to attend an interview will be asked to bring the relevant ID with them to be verified by the interviewing officers.

Expanse Learning will apply for a DBS Certificate only for applicants offered a position. The information obtained will be used to help establish whether that person has a background that might make them unsuitable for the job or voluntary position in question. Expanse Learning will not apply to the DBS Certificate to run a check without the knowledge and consent of the person concerned.

If a DBS Certificate reveals any convictions Expanse Learning will follow a fair process. Please see Recruitment of Ex-offenders' policy and procedure.

## **8. Check on staff recruited from abroad**

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All new employees where persons have lived outside the UK are subject to additional checks in accordance with Immigration, Asylum and Nationality Act 2006. Expanse Learning, in accordance with the UK Border Agency Code of Practice, will, if applicable, sponsor all new foreign members of staff (see Certificate of Sponsorship section).

In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a police check from the relevant Country.

## **9. Renewal of DBS Certificates**

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The DBS Certificate does not recommend a specific renewal interval for DBS checks. However, it is Expanse Learning's policy to renew all DBS Certificates every three years.

**10. Prohibition Order**

Prohibition Order means that the person concerned is not allowed to undertake unsupervised teaching work in schools. Where an individual is prohibited, their name and details will appear on the Prohibited List. A Prohibition Order is a lifetime ban.

As part of the Safeguarding Checks, and in addition to the DBS Certificate, a check will be undertaken on all applicants that have been teaching profession against the Prohibited List.

**11. Storage and access**

DBS Certificate information will be kept in a locked cabinet with access strictly limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

**12. Usage**

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

**13. Retention**

Once a recruitment (or other relevant) decision has been made, we retain DBS Certificate information generally for a period of up to six months. This is to allow time to consider and resolve any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep the information for longer, we will consult the DBS, taking data protection and human rights issues into consideration.

**14. Disposal**

Once the retention period has elapsed, any Certificate information will be destroyed by secure means, i.e., by shredding, pulping or burning. We will not keep a copy of the Certificate or record its contents. We will, however, 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 it was requested, the unique reference number of the Certificate and the details of the recruitment decision taken.

**15. Monitoring and Review**

The effectiveness of this policy will be reviewed annually.

**Impact of non-compliance**

Staff:	Disciplinary action, Support, Action Plan
Student:	Not applicable
Legislation/organisational:	statutory and non-regulated compliance. Prosecution, Staff Retention, Poor employee performance etc
Compliance lead:	Shared Services
Policy Reference:	EGL-POL-HRIM-0010
Version:	5
Agreed policy location:	DatabridgeMIS
Review Schedule:	24 Months
Does the policy require Governor approval?	No

**Approval**

Prepared by Scott Roberts 10/10/2022   Head of Shared Services	Approved by Tony Brown 10/10/2022   CEO	Counter Signatory Karl Wane 10/10/2022   Director of College
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**Version Control**

Version	Date	Revision	Review Date
3	01/09/2020	Policy Review	31/08/2021
4	01/09/2021	Policy Reviewed	31/08/2022
5	10/10/2022	Policy reviewed	09/10/2024
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## Appendix 1 – Frequently Asked Questions

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### 1. How long does it take to receive my DBS Certificate?

On average the process can take 3-4 weeks (but may take longer if you have lived at various addresses).

### 2. What do I receive from the DBS?

You will receive a certificate from the DBS stating whether or not you have a police record and, where appropriate, will confirm that your details have been checked against the list of those banned from working with vulnerable adults or children. In order for Expanse Group to verify the DBS Certificate you must contact the Human Resources Department for them to take a copy.

### 3. Is my DBS certificate portable?

Yes, if you register with the DBS Update Service. Further details can be found at <https://www.gov.uk/dbs-update-service>.

### 4. What happens if I have a previous conviction(s)?

Having a criminal record will not necessarily stop you from working at Expanse Group. This will depend on the nature of your work, the circumstances and background of the offence(s) and the time elapsed. Please read our policy and procedure on Recruitment of Ex-offenders.

### 5. What happens if I have a criminal conviction during employment?

It is important, if you have a criminal conviction, that you disclose this information either Line Manager or Human Resources. You will be asked to attend an interview to explain the background and circumstances regarding the conviction. Failure to reveal information directly relevant your role may lead to disciplinary action.

### 6. Who will know about my criminal record?

If a criminal record is revealed through a DBS check, Human Resources will know the details of the convictions, and any agencies with which Expanse Group is obliged to share that information (i.e. if you have applied to work with children when banned from doing so).

### 7. The information on my Certificate is wrong – what can I do?

If you think that any information contained on your Certificate is wrong, please contact the DBS Certificate Dispute line on 0870 9090 778 who will advise on their dispute procedures.

### 8. Can I refuse to apply for a Certificate?

It is compulsory to check your details against the list of people banned from working with children. Expanse Group is obliged to insist on DBS Certificate from applicants and members of staff.

### 9. How long are Certificates valid?

A Certificate carries no period of validity. The information it contains reflects the position at the date of its issue. The closer this date, the more reliance can be placed on its content. Expanse Learning has a policy of renewals every three years.

### 10. Do all parent helpers and volunteers need to obtain a Certificate?

This depends on the level of contact and Regulated Activity or the possibility that helpers may be alone with or have some responsibility for students. Expanse will use its discretion about whether or not it is needed.

### 11. Do teachers from overseas need to be checked?

Yes. Overseas teachers will be treated the same as any new employee. In addition, any member of staff that has lived/worked abroad will need to obtain the relevant police check from the country they lived/worked in before they commence employment.

### 12. How long does a teacher newly arrived from overseas need to live in the country before a Check is carried out?

If the teacher has lived in this country previously, a Check against the Barred List can be done immediately. Those who have not lived here previously should contact their embassy to seek a letter of good conduct and a Police check from the Country.