1. **DBS AND LIST 99 CHECKS**

1.1 As part of the compulsory pre-employment screening process to ensure “fitness to work”, prospective employees are subject to a check for any criminal background in the form of a DBS check and a LIST 99 check. DBS and LIST 99 checks are very strictly regulated under the Data Protection Act. DBS checks are undertaken by the Disclosure and Barring Service (DBS) and LIST 99 checks are carried out by the HR Services team.

1.2 Working at Hertford Regional College, a further education institution, will involve employees and workers having regular contact with persons under the age of 18 and vulnerable adults. Therefore DBS checks and LIST 99 checks will be carried out on all prospective employees including hourly paid staff, volunteers or casuals. They will also be carried out on any volunteers taken on by the college who are likely to have unsupervised access to children and vulnerable adults.

1.3 There are at present two levels of DBS checks - Standard and Enhanced Disclosure checks. All posts in the College are subject to Enhanced checks because of the possibility of unsupervised access to young and/or vulnerable students both inside and outside the College and because all employees are viewed by students as being in a position of trust.

1.4 The Secretary of State has the power to bar persons from employment as a teacher, and from work involving regular contact with children or young persons under 19 years of age, in Schools and Colleges. The College is under a statutory duty not to employ anyone who is barred by the Secretary of State and whose name appears on the ‘Barred Lists’ (a confidential document maintained by the Department for Education and Skills for those barred from working with Children or Vulnerable Adults). The DBS also carries out a check against the ‘Barred Lists’ and this will be included in any disclosure requested by the College.

1.5 All offers of employment are conditional upon receiving a satisfactory DBS check. No member of teaching staff can commence work without a satisfactory DBS check or a LIST 99 check. If the role does not have direct contact with learners, then a prospective employee can start pending a DBS check, but a risk assessment must be completed before commencement of the role detailing the restrictions that need to be in place until the DBS check is received. However, List 99 Checks must still be carried out before commencement in the role,
A Risk Assessment must cover the following:

1. The likelihood of the employee having unsupervised access to children and vulnerable adults during the course of their work

2. The likelihood of the employee being able to gain unsupervised access to children or vulnerable adults at college outside their working hours, i.e. before or after work or at break or lunch times

3. Restrictions in working duties or in movements outside working hours pending receipt of DBS check

The risk assessment should be approved and signed by a Designated Senior Person for Safeguarding or by the Principal before an employee commences.

1.6 It is for the prospective employee to complete and sign the DBS Application form and return to the HR Advisor with original documentation, as required by the DBS (See Appendix A for guidance on suitable documents). This task can also be carried out at the interview stage by the recruiting manager. The documentation and form are checked and the form countersigned by either the College’s Lead Signatory (Principal) or a Registered Counter-signatory (Director of HR and Corporate Development, Assistant Director of HR and Corporate Development, HR Advisor’s, Head of Department for CLT, ACE and CCH) before being dispatched to the DBS for processing. A copy of the application form should be taken and kept on the employee file until the disclosure has been returned the form reference number is then logged on the HR System along with the date sent to the DBS. The completed LIST 99 check is printed and retained on the employee file and recorded on the HR system against the date it was conducted. A LIST 99 check cannot be completed until the HR Services team has received official documentation to confirm name/s and date of birth.

1.7 This policy applies to all staff (full or part time), consultants and other contracted persons, temporary (inc agency staff) or casual staff, volunteers, and students undertaking work experience which involves working with Children and Vulnerable Adults.

1.8 Having a criminal record will not automatically debar a person from being appointed. When determining if the employment should commence the following factors will be taken into account:

- Whether the conviction or other matter revealed is relevant to the post offered
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter occurred
  - Whether the individual has a pattern of offending behaviour or record that relates to another relevant matter
• Whether the individual’s circumstances have changed since the offending behaviour
• The circumstances surrounding the offence or other matter and the explanation offered by the individual

1.9 If it is determined that the employment should not commence, or should not continue, the individual will be given written reasons for this. If the individual has not commenced employment the Director of HR and Corporate Development will write to him/her withdrawing the offer and explaining the reasons.

1.10 Where the individual has commenced employment pending the DBS check and the decision is that the employment should not continue, the Director of HR and Corporate Development will write to the Principal if dismissal is recommended. There will be an opportunity for the individual to write to the Principal setting out his/her reasons why he/she believes he/she should not be dismissed.

2. RECRUITMENT OF EX-OFFENDERS

2.1 All employers using the services of the DBS are required by their Code of Practice to have a Policy on the employment of ex-offenders to ensure that all applicants for positions who have a criminal record are treated fairly and are not discriminated against unfairly on the basis of conviction or other information revealed. The College has adapted the DBS’s standard model policy.

2.2 As an organisation using the Disclosure and Barring Service (DBS) to assess applicants’ suitability for positions of trust, Hertford Regional College 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 conviction or other information revealed.

2.3 The College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sex, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

2.4 The College has a written Recruitment and Selection Procedure, which does not discriminate against ex-offenders, and is available to all upon request.

2.5 The College actively promotes equality of opportunity and diversity for all with the right mix of talent, skills and potential, and welcomes applicants from a wide range of candidates, including those with criminal records. Candidates are selected for interview based on their relevant skills, qualifications and experience.

2.6 All application forms, and recruitment packs contain a statement that a DBS check will be requested in the event of the individual being offered the position.

2.7 The College encourages applicants to provide details of their criminal record on their application form for employment. This information may be sent under separate, confidential cover to the Lead Signatory (Principal). The College’s policy is that this information is only seen by those who need to see it as part of the recruitment process,
will be kept strictly confidential and destroyed within six months of receipt of the disclosure.

2.8 The College will ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offenders, and 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 (and its exceptions), as part of the College’s Recruitment & Selection Training.

2.9 Upon receipt of the DBS disclosure, the HR Services team will check the disclosure for accuracy and identify if there are any convictions/cautions listed. If there are convictions/cautions the HR Services team will:

- Make the Director of HR and Corporate Development aware
- Email Head of Department/Service Manager attaching the job application form, references and where appropriate, the DBS.
- Arrange a meeting with the individual to discuss their offences in more detail. It may be appropriate at this stage to involve the Head of Department/Service Manager, although there are cases where it may not.

The College will 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, at interview, or in a separate discussion. Applicants will be informed that failure to reveal information that is directly relevant to the position sought could lead to withdrawal of a conditional offer of employment.

After the meeting the following will take place:

- The HR Services team will email the details to the Principal, outlining the conviction with notes from the meeting and ask if the Principal would like to meet with HR Services [and the Head of Department/Service Manager] to discuss it further.
- The Principal makes the final decision as to whether the individual is appointable/can continue in employment and may make recommendations to safeguard the learners/staff which will form the risk assessment.
- The HR Services team will diarise any follow ups and ensure full details of the meeting/notes/risk assessment are kept on the employee’s file.

2.10 The College will make every subject of a DBS disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

2.11 The College will undertake to discuss any matter revealed in a DBS disclosure with the applicant before withdrawing a conditional offer of employment.
3. SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE OF INFORMATION

3.1 The handling of Disclosure information provided by prospective employees, either received directly from the prospective employee or from the DBS, is restricted to the Lead Signatory (the Principal), the Counter-signatories (the Director of HR and Corporate Development, Assistant HR Manager, HR Advisors and the HR Assistant).

3.2 The handling of Disclosure information provided by work experience students, either received directly from the student or from the DBS, is restricted to the Lead Signatory (the Principal), the Counter-signatory (the Director of HR and Corporate Development, Assistant HR Manager, HR Advisor, HOD CCH, HOD CLT and HOD ACE) and the relevant Department Administrator.

Storage and Access

3.3 Disclosure 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.

Handling

3.4 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.

Usage

3.5 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.

Retention

3.6 Only Disclosure numbers are noted on personal files (electronic and paper). Disclosure certificates will be retained for an indefinite period to allow for the consideration and resolution of any disputes or complaints while the employee is still employed by the College.
### Disposal

3.7 Once the retention period has elapsed, the College will ensure that any Disclosure information is passed to the Lead Signatory for disposal. While awaiting disposal, Disclosure information will not be kept in any unsecure receptacle (e.g. waste bin or confidential waste sack). The College will not keep any photocopy or other image of the Disclosure or any copy of representation of the contents of a Disclosure.

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