

**DOCUMENT DETAILS**


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Summary	The purpose of this document is to set out the policy on DBS checking and recruitment of ex- offenders.

**DOCUMENT CONTROL**


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**DOCUMENT APPROVAL**


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## **DISCLOSURE AND BARRING CHECKS AND THE RECRUITMENT OF EX-OFFENDERS POLICY**

### **1. PURPOSE**

- 1.1 Nottingham College has a duty to provide a safe and secure environment in which all students and staff are enabled to achieve the best they can from working or studying at the college. The college will ensure that it does not engage or make use of the services of any person who has a criminal conviction or record of conduct that could present a risk to the safety and wellbeing of students and staff or to the reputation of the college.
- 1.2 This policy ensures that Nottingham College complies with the DBS Code of Practice, relevant legislation and the responsibilities defined within the Department for Education publication: Keeping Children Safe in Education.

### **2. SCOPE**

- 2.1. DBS checks are required for the purposes of employment, relevant work experience placements, governor appointments, volunteers and agency workers.
- 2.2. All contractors will be assessed to determine the level of access to students and level of supervision on site before DBS Disclosure requirements are specified in the contract.

### **3. DEFINITIONS**

- 3.1. DBS: Disclosure and Barring Service.

### **4. KEY RESPONSIBILITIES**

- 4.1. Head of People & Development Services
  - To make decisions on the outcome of risk assessments.
  - To ensure People Services team members are suitably trained.
- 4.2. People Services Team:
  - To obtain, process, action, store and destroy DBS information in compliance with this framework.
  - To ensure the correct level of check is carried out for the role.
  - To ensure that DBS information is only provided to those entitled to see it.
  - To ensure that risk assessments are undertaken.

### **5. GENERAL PRINCIPLES**

- 5.1. As an organisation using the DBS to help assess the suitability of candidates for positions of trust, Nottingham College complies fully with the DBS Code of Practice.
- 5.2. The college also complies with its obligations under the (GDPR)Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of DBS information.
- 5.3. The College determines when a Disclosure is required and funds the cost of obtaining a Disclosure for employees.

## **6. STORAGE AND ACCESS**

- 6.1. Disclosure information is kept 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.

## **7. HANDLING**

- 7.1. In accordance with sections 124 of the Police Act 1997, Disclosure information is only available 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 and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **8. USAGE**

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

## **9. RETENTION**

- 9.1. Once a recruitment (or other relevant) decision has been made, the college will not keep DBS information for any longer than is 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 a Disclosure for longer than six months, the college will consult the DBS and will give full consideration to data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## **10. DISPOSAL**

- 10.1. Once the retention period has elapsed, the college will ensure that any Disclosure information is immediately destroyed by secure means.
- 10.2. While awaiting destruction, a Disclosure will not be kept in any insecure 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 or representation of the contents of a Disclosure however, notwithstanding the above, the college will keep a Single Central Record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, whether or not a Barred check was undertaken and any decision taken.

## **11. CONVICTIONS - PROSPECTIVE AND CURRENT EMPLOYEES**

- 11.1. All regulated appointments and placements within the college are subject to receipt of an Enhanced DBS Disclosure (and if appropriate a barred list check) as set out in Keeping Children Safe in Education, and which is deemed by the college to be satisfactory.
- 11.2. Job applicants are requested to confidentially provide information about their criminal background during the application process so that any issues raised can be dealt with at the earliest opportunity and a decision can be made subject to the DBS check. Any provisional

offer of employment is dependent upon the information contained in the DBS Disclosure being deemed satisfactory.

- 11.3. If a Disclosure contains information, then the Head of People Services, will undertake a risk assessment to identify if the information indicates that the prospective candidate poses a potential risk to vulnerable groups, or poses a reputational risk to the College. This risk assessment is conducted confidentially and where necessary will involve meeting with the individual to ask questions about the information provided.
- 11.4. Nottingham College will ensure that those engaged in this activity are suitably trained to identify and risk assess the relevance and circumstances of offences and associated legislation.
- 11.5. The following will be taken into account when reaching a decision about engaging someone with a conviction or caution:
  - Whether the conviction or other matter is relevant to the position.
  - The seriousness of the offence or other matter.
  - The length of time since the offence or other matter occurred.
  - Whether the individual has a pattern of offending behaviour or other relevant matters.
  - Whether the individual's circumstances have changed since the offending behaviour or other relevant matters.
  - The circumstances surrounding the offence and the explanation(s) offered by the individual.
- 11.6. When the risk assessment process has been completed, there are two outcomes:
  - The Disclosure is deemed as satisfactory, and the appointment of the individual can be confirmed
  - The Disclosure is deemed as unsatisfactory, and the appointment cannot be confirmed. People Services will confirm this with the individual.
- 11.7. If a candidate disputes the information contained on a Disclosure they may appeal to the DBS. A final decision about the candidate's suitability will not be made until the outcome of the appeal is known.
- 11.8. If an employee is convicted of a criminal offence whilst employed at the college, they must inform People Services. This should be directed to the Head of People Services.
- 11.9. The relevance of the conviction will be considered using the same information in paragraph 11.5. The Head of People Services will decide if the conviction has any relevance to the employee's job. If the conviction bears no relevance to their work at the college no further action will be taken.
- 11.10. The employee's line manager will only be informed if there is a specific reason for doing so, and the conviction is considered directly connected with their job. In these circumstances the employee will be invited to discuss the reasons behind this decision with People Services.
- 11.11. Depending upon on the seriousness of the offence, the employee may be moved to another role, or safeguards introduced. In certain serious situations, the employee may be subject to

the College's Disciplinary Policy and Procedure. A conviction may be considered Gross Misconduct and could result in their dismissal.

## **12. EXCEPTIONAL STARTS**

- 12.1. DBS checks can take some time to process and there may be rare occasions when the individual is required to commence the role urgently. Exceptional starts can only be authorised by a senior member of People Services subject to:
- The individual has not disclosed any convictions or cautions of concern
  - A barred list check has been satisfactorily completed
  - All pre-employment checks have been completed satisfactorily
  - The line manager has demonstrated a clear business need for an urgent start in writing.
  - The line manager has provided written assurance that the individual will be supervised at all times pending the receipt of a satisfactory Disclosure, at no time will they be left in charge of children or vulnerable adults, and they will be monitored by their line manager.

## **13. RECRUITMENT OF EX-OFFENDERS STATEMENT**

- 13.1. Nottingham College uses the DBS to assess a candidate's suitability for positions of trust. The college complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly.
- 13.2. Nottingham College undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction, caution or any other information received. Having a criminal record will not necessarily bar a candidate from working for the college, undertaking a placement, or being a volunteer or a governor; this will depend on the nature of the position and the circumstances of the offence.
- 13.3. This policy statement is contained within the information made available to all applicants, volunteers, governors and students who are likely to need a Disclosure at the outset.
- 13.4. Nottingham College actively promotes equality of opportunity for all, with the right mix of talent, skills and potential and welcomes applications for employment from a wide range of candidates, including those with criminal records. The college selects candidates for interview on objective criteria outlined in the person specification, based on skills, qualifications, knowledge and experience.
- 13.5. Nottingham College is an exempted organisation as all employees have the potential to come into contact with children and vulnerable groups as defined within the Safeguarding and Vulnerable Groups Act 2006. In accordance with Keeping Children Safe in Education (January 2021), an Enhanced DBS Disclosure and a Barred Check will be obtained for those posts which meet the definition of Regulated Activity within the Protection of Freedoms Act 2012. For all other staff who have an opportunity for regular contact with children who are not engaged in Regulated Activity, an enhanced DBS Certificate which does not include a Barred List Check will be obtained.
- 13.6. The college's recruitment information is clear that a satisfactory Enhanced DBS Disclosure (and Barred Check where applicable) will be requested in the event of the individual being offered employment.
- 13.7. Students over the age of 16 who undertake work experience as part of their course and who will have access to children or vulnerable groups as defined within the Safeguarding and

Vulnerable Groups Act 2006, will also be required to obtain a satisfactory Enhanced DBS Disclosure (and a Barred Check where the work experience placement meets the definition of Regulated Activity within the Protection of Freedoms Act 2012).

- 13.8. The Corporation has nominated the Director of People & Development Services to make decisions and ensure a framework is in place regarding the employment or placement of those with a criminal record.
- 13.9. In all cases, the college undertakes to complete a risk assessment and discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing any conditional offer of employment or placement.

**14. DBS PORTABILITY**

- 14.1. The DBS does not facilitate portability and organisations that choose to accept a previously issued DBS check do so at their own risk. Nottingham College does not accept any DBS Disclosure undertaken by another organisation
- 14.2. Portability can only be accepted where prospective employees have registered with the DBS Update Service and the same level of DBS check has been undertaken and no new information has been listed.

**15. RE-CHECKING CLEARANCES**

- 15.1. Where a member of staff changes role and does not have the correct level of Disclosure for the new role, a DBS check will be completed at the college’s expense. Some staff working in high risk posts may be required to have a DBS check every three years. Where this is the case, People Services will facilitate this process.

**16. DBS CODE OF PRACTICE**

- 16.1. A copy of the DBS’s Code of Practice is available at:  
[www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice)

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