



# Disclosure and Barring Service Checks Policy

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## Introduction

We believe this policy should be a working document that is fit for purpose, represents the college ethos, enables consistency and quality across the college.

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the previous Data Protection Act (DPA) making changes to many existing data protection rules and regulations that colleges, academies and other educational establishments adhered to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We have a statutory duty of care to safeguarding the welfare of learners and vulnerable adults and providing them with a safe learning environment. By undertaking checks via the Disclosure and Barring Service (DBS) for those people who are looking to work with learners, we aim to prevent unsuitable people from working with learners and vulnerable adults.

The DBS provides the following checks namely:

**Standard check:** records of convictions, cautions, reprimands and warnings as found on the Police National Computer (PNC)

**Enhanced check:** as above plus other relevant information held by the police

**Enhanced check with a Barred List check (child) and Enhanced check with a Barred List check (adult).** Those people who are deemed unsuitable to work with children and vulnerable adults are placed on to either the Children's Barred List or Adults' Barred List.

We realise that the majority of college appointments is for personnel who will be responsible for the care and supervision of learners on a regular basis (regulated activity) and as part of the process of safe recruitment all prospective employees will need to have an enhanced DBS check with barred list information. The level of check will be appropriate for the post or type of work undertaken. We have a mandatory duty to make checks for anyone who will be in regulated activity.

We are aware that we do not have the power to request DBS checks and barred list checks or ask to see DBS certificates for visitors, however we do ask frequent visitors or outside agencies who work with us to provide a copy of their DBS to use alongside our lanyard system.

**Yellow lanyard – DBS provided; visitor does not need to be supervised**

**Red lanyard – No DBS provided; visitor must always be supervised.**

We have 'a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.' (Keeping Children Safe in Education: Statutory Guidance for Colleges and Colleges (DfE))

We will consider any person with a criminal record equally with others applying for any vacant post at this college unless their DBS checks indicates that they present a risk to learners.

We as a college community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates into all aspects of college life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this college to feel safe, secure, valued and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this college.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

## Aims

- To provide protection for learners against those who might wish to harm them.
- To protect the interests of the college from those who may not be considered suitable to work with learners.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other colleges and the local authority to share good practice in order to improve this policy.

## Role of the Directors

The Directors have:

- Responsibilities to ensure DBS checks are in place;
- Delegated powers and responsibilities to the Senior Leadership Team to ensure all college personnel and visitors to the college are aware of and comply with this policy;
- Responsibility for ensuring that the college complies with all equalities legislation;
- Nominated a designated equalities person to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- Responsibility for ensuring funding is in place to support this policy;
- Attend training related to this policy;
- Responsibility for ensuring this policy and all policies are maintained and updated regularly;
- Responsibility for ensuring all policies are made available to parents;
- The responsibility of involving the Youth Participation Group in:
  - determining this policy with the Directors;

- discussing improvements to this policy during the college year;
  - organising surveys to gauge the thoughts of all learners;
  - reviewing the effectiveness of this policy with the Directors
- Responsibility for the effective implementation, monitoring and evaluation of this policy
  - Carry out DBS Disclosure checks in accordance with current guidelines:

Group	No contact with learners	Contact with learners		Type of DBS check
		Supervised	Not supervised	
New member of staff			•	Enhanced DBS certificate (with barred list check)
New member of staff transferring from another school/college without a break in service and with an Enhanced DBS			•	No legal requirement to obtain a new Enhanced DBS certificate (with barred list check)
New volunteer		•		No legal requirement to obtain a new enhanced DBS certificate (with barred list check) but an enhanced DBS certificate may be obtained
			•	Enhanced DBS certificate (with barred list check) must be obtained
	•			Not in regulated activity but an Enhanced DBS certificate may be obtained
Contractor's			•	DBS certificate (with barred list check) must be obtained
	•			No DBS check is required
Tutors, Trainee tutors and Teaching Assistants			•	An Enhanced DBS certificate (with barred list check) must be obtained
Supply teachers & other temporary agency staff			•	An Enhanced DBS certificate (with barred list check) must be obtained by the agency with written confirmation sent to the college
Management and Directors		•		No legal requirement to obtain a new Enhanced DBS certificate (with barred list check) but an enhanced DBS certificate may be obtained. A Section 128 check must be obtained for any staff with management responsibility.
			•	DBS certificate (with barred list check) must be obtained
	•			Not in regulated activity but an enhanced DBS certificate may be obtained

- Use the online DBS Update service to check the validity of DBS certificates;
- Request disclosure checks;
- Using the disclosure check information decide whether an appointment can proceed;
- Keep up to date a single central record;

## Role of the Senior Leadership Team

The Senior Leadership Team will:

- Ensure all college personnel, learners and parents are aware of and comply with this policy;
- Work closely with the Directors;
- Provide leadership and vision in respect of equality;
- Provide guidance, support and training to all staff;
- Monitor the effectiveness of this policy;
- Annually report to the Directors on the success and development of this policy.

## Role of College Personnel

College personnel will:

- Comply with all aspects of this policy;
- Ensure they provide all the necessary documentation for the disclosure process;
- Implement the college's equalities policy and schemes;
- Report and deal with all incidents of discrimination;
- Attend appropriate training sessions on equality;
- Report any concerns they have on any aspect of the college community
- Ensure that all visitors comply with the Visible ID policy (appendix 1)

## Single Central Record

We will keep a single central record that records the following information:

- Identity check
- Barred list check
- Enhanced DBS check
- Prohibition from teaching check
- Checks on individuals living or working outside the UK
- Professional qualifications check
- Right to work in the UK check
- Reference check
- Section 128 check for management

## Role of the Data Protection Officer

The Data Protection Officer will:

- Have expert knowledge of data protection law and practices;
- Inform the college and college personnel about their obligations to comply with the GDPR and other data protection laws;
- Ensure data management is strengthened and unified;
- Monitor compliance with the GDPR and other data protection laws;
- Manage internal data protection activities;

- Ensure risk and impact assessments are conducted in accordance with ICO guidance;
- Report data breaches within 72 hours;
- Ensure individuals have greater control over their personal data;
- Ensure that prior to the processing of an individual's data that:
  - the process is in line with ICO guidance;
  - the process is transparent;
  - the individual will be notified;
  - the notification is written in a form that is understandable to learners;
  - when sharing an individual's data to a third party outside of college that details for the sharing are clearly defined within the notifications.
- Share an individual's data where it is a legal requirement to provide such information;
- Process all written subject access requests from individuals within 40 days of receiving them;
- Have in place a formal contract or service level agreement with a chosen data processor who is GDPR compliant;
- Ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance;
- Train college personnel;
- Conduct audits.
- Be the first point of contact for supervisory authorities and for individuals whose data is processed;
- Keep up to date documentation of all data protection activities.
- Work closely with the Directors;
- Periodically report to the Directors;
- Annually report to the Directors on the success and development of this policy.

## Raising Awareness of this Policy

We will raise awareness of this policy via:

- The College Handbook/Prospectus;
- The college website;
- The Staff Handbook;
- Meetings with college personnel;
- Reports such annual report to parents and Directors.
- Sharing with new college personnel
- Sharing with all college personnel when updated/amended
- Sharing on the CPOMS Library for ease of reference

## Training

All college personnel:

- Have equal chances of training, career development and promotion
- Receive training which specifically covers:

- All aspects of this policy
  - Safeguarding
  - Safer Recruitment
  - Data Protection
  - Contract of Employment
  - Equal opportunities
  - Inclusion
- Receive periodic training so that they are kept up to date with new information
  - Receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

## Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any learner and it helps to promote equality at this college.

## Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the Directors.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Directors for further discussion and endorsement.

## Appendix

Appendix 1:

## Liberty Training Visible ID Policy

Liberty operates a visible ID policy for all people on site, including students, staff, visitors and contractors. Everyone in the building is expected to follow this policy and procedure by wearing lanyards.

This policy is a key measure to support the Liberty's Safeguarding and Prevent strategies.

Learners must wear a **PURPLE** lanyard with their student ID badge

(YPG members wear a **GREEN** or **ORANGE** lanyard)



Liberty Training Staff must wear a **BLACK** lanyard with their staff ID badge



Ohana Homes staff must wear a **BLUE** lanyard with their staff ID badge



Authorised visitors must wear a **YELLOW** lanyard with a visitor slip

*(These are visitors for whom we have confirmed hold a DBS)*



Any other visitors must wear a **RED** lanyard with a visitor slip

*(Children do not have to wear a lanyard and will be given a sticker instead)*

