



## **Disclosure and Barring Service (DBS) Checks**

### **Policy and Procedure Guide**

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**Contents**

- 1. Policy Purpose, Background and Application 3
- 2. Recruitment of Ex-Offenders 4
- 3. Secure Storage, Handling, Use, Retention, and Disposal of Disclosures and Disclosure of Information 5
- 4. Administrative Procedures 6

# TMP College

## DISCLOSURE AND BARRING SERVICE (DBS) CHECKS POLICY

### Section 1

#### Purpose

1. As part of the compulsory employment screening process to ensure “Fitness for Work”, (which also includes health and reference checks), prospective employees are subject to a check on any possible criminal background. Checking is strictly regulated by the Data Protection Act 1998 (and subsequent amendments) and the Protections of Freedoms Act 2012, and is undertaken by the Disclosure and Barring Service (DBS).
2. Working at TMP College, a specialist education institution, will involve employees and workers having regular contact with persons under the age of 18, (and/or vulnerable adults). DBS checks will, therefore, be carried out on all prospective employees where such circumstances will occur unless the prospective employee can provide evidence of a current Disclosure AND proof that they are registered with the DBS Update Service.

#### Background

1. The Disclosure and Barring Service is responsible for:
  - Processing requests for criminal record checks
  - Deciding whether it is appropriate for a person to be placed on or removed from a barred list
  - Placing or removing people from the DBS children’s barred list and adults’ barred list for England, Wales and Northern Ireland
2. There are two levels of DBS checks – Standard and Enhanced. Most posts in the studios are subject to Enhanced checks, especially where there is potential for unsupervised access to young and vulnerable students, both inside and outside the studios and because employees are viewed by students as being in a position of trust.
3. Having a criminal record will not automatically rule out a person from employment. 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 that have a criminal record are treated fairly and are not discriminated against unfairly on the basis of conviction or other information revealed. **TMP College has adapted the DBS’s Code of Practice (see Section 2).**
4. TMP College is under a statutory duty not to employ anybody whose name appears on a barred list. When requesting a check the Studios has to declare whether it is entitled to know if the applicant appears on the relevant barred list. The Studios will always follow legal guidance and requirements (e.g. DBS and Ofsted) as to the appropriateness of carrying out barred list checks.

5. All offers of employment are conditional upon receiving a satisfactory DBS Disclosure Certificate. A DBS application form and guidance notes are enclosed with the conditional offer letter. It is for the prospective employee to complete and sign the form and return it to us with original documentation, as required by the DBS.
6. This policy applies to all employees (full or part time), agency staff, consultants and other contracted persons (either contracted directly or through another employer), students undertaking work experience and volunteers, where their role involves working with young and vulnerable people.

## **Section 2**

### **Recruitment of Ex-Offenders**

#### **Policy Statement**

- As an organisation using the Disclosure and Barring Service to assess applicants' suitability for positions of trust, TMP 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.
- TMP College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical, mental, or learning disability or offending background.
- TMP College has a written Recruitment and Selection Procedure, which does not discriminate against ex-offenders, and is available to all upon request.
- TMP 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.
- All application forms, job adverts and recruitment information contain a statement that a DBS check (if relevant) will be requested in the event of the individual being offered the position.
- Applicants will be informed that failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- TMP College will undertake to discuss any matter revealed in a DBS Disclosure with the applicant before withdrawing a conditional offer of employment.



### **Section 3**

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

- The handling of any disclosure information provided by prospective employees, students or volunteers, either directly from the individual or from the DBS, is restricted to trained staff and the Counter-Signatory.

#### **Acquisition**

- Following changes in DBS processes, disclosure certificates are forwarded directly to applicants. TMP College will request that the applicant provides the Studios with a copy of the certificate.

#### **Storage and Access**

- Disclosure information is never kept on an applicant's personnel file and is always held separately and securely, in locked cabinets with access strictly controlled and limited to those who are authorised.

#### **Handling**

- In accordance with the DBS Code of Practice, disclosure information is only passed to those who are authorised to receive it. The Studios recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

#### **Usage**

- 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**

- Disclosure certificate numbers and issued date are noted on the centralised record and on the staffing database. Disclosure certificates are retained for a period of up to 180 days from receipt, to allow for the consideration and resolution of any disputes or complaints, and the completion of any probation period.

#### **Disposal**

- Once the retention period has elapsed the Studios will ensure that any disclosure information is immediately destroyed by shredding. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The Studios will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

## Work/Volunteer Placements

- Before placing students with other employers, the Studios will take all reasonable steps to ensure that they fully comply with the DBS Code of Practice.

## Section 4

### Administrative Procedure

- All DBS checks on employees will be undertaken as soon as possible. Completed forms and identity documentation verification will be undertaken at the earliest opportunity.
- New members of staff will be not be permitted to work alone with children and or vulnerable adults until the DBS check has been returned and been assessed.
- Once a DBS Disclosure has been returned, the relevant manager will be informed of the status of their new member of staff, and any issues arising as to their suitability for their post assessed.
- All volunteers and work experience personnel working at the Studios will be notified to the Director so that DBS checks can be carried out if appropriate.

<b>IMPACT ASSESSMENT:</b>	This policy has been considered for impact upon age, disability, family responsibility, marital status, race, colour, ethnicity, nationality, religion or belief, gender and sexual orientation.
<b>DATE FOR REVIEW:</b>	July 2019
<b>RESPONSIBILITY:</b>	Martin Heaton, Director
<b>APPROVED BY THE BOARD:</b>	Yes, July 2018