

TITLE		REF	VERSION
DBS and Safeguarding procedure		HRPRO020	3.0
DEPARTMENT		Group Human Resources	
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DBS AND SAFEGUARDING PROCEDURE

Procedure Statement

The DBS and Safeguarding procedures outlined in this document apply to all staff at Activate Learning, Activate Apprenticeships and Activate Learning accommodation. The purpose of these processes is to ensure the safety of staff, students, and visitors to Activate Learning premises in line with KCSIE guidance.

In the case of agency workers, we require employment agencies providing temporary staff to provide confirmation that the necessary checks have been completed before an individual can commence work.

Volunteers are subject to all the checks set out in this document, aside from references, qualifications, vetting checks and medical checks. All volunteers must have a cleared Enhanced DBS check before starting work.

Proof of Identity, Right of Work and verification of qualifications and/or professional status

We are required to verify the identity of all new employees and that they are legally entitled to work in the UK. All offers of employment will be subject to proof of identity and eligibility to work in the UK in accordance with the Immigration, Asylum and Nationality Act, 2006 and DBS identity checking guidelines.

In addition, new employees must be able to demonstrate that they have obtained any academic or vocational qualifications required for the position they are being employed for and stated on their application form. These should be checked by the hiring manager at interview stage.

Disclosure and Barring Service (DBS) checks

Activate Learning will undertake an enhanced DBS check for all staff which includes a check of the Barred lists. Activate Learning will only accept existing DBS certificates if the applicant is subscribed to the DBS Update Service and the check is at the same level as the one they are being appointed to.

When completing the DBS form original documents must be provided and photocopies retained for the employee's personal file.

DBS checks must only be requested for the candidate selected for appointment.

In exceptional circumstances an employee may be allowed to start employment prior to the return of the Enhanced DBS check. This is only allowable where all other checks are complete, including a Separate Barred List Check, and full supervision of the work of the employee can be ensured.

In the case of Volunteers, Learner Facing Homeworkers or where supervision is not possible, we must be in receipt of an Enhanced DBS check prior to employment starting.

Supervision

For a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity relating to children,
- regular and day to day,
- reasonable in all the circumstances to ensure the protection of children. (e.g., within sight and sound of an employee with a DBS).

In order for an employee to start employment prior to receipt of an Enhanced DBS, that employee must be supervised until the full disclosure is received. To ensure this obligation can be monitored a Supervision Plan must be completed and submitted to HR Services prior to the start date.

This is to ensure that staff are not left alone with students to minimise any risk of potentially harmful situations (or accusations). This means that a third party must be present.

Portability

Portability refers to the re-use of a DBS check (Disclosure), obtained for a position in one organisation and later used for a position in another organisation. Activate Learning does not facilitate portability unless the applicant is subscribed to the DBS update service, and the check is at the same level and workforce as the one they are being appointed to.

Payment for Disclosure Information

The costs of the required Enhanced DBS checks will be met by Activate Learning.

Retaining information provided by the DBS

We record and retain the following information relating to a DBS check:

- Type of check.
- Check method.
- Date consent given.
- Date of issue of Enhanced check.
- Renew date.
- Reference number.

Disclosure documents must be destroyed six months after they are no longer needed. Details of discussions with staff about criminal or other declarations must be retained on personal files.

Employees must be made aware of their obligation to inform their manager of any cautions or convictions that arise between these checks taking place. For staff in selected roles with regular, unsupervised contact with young people or vulnerable adults/vulnerable groups a sample will be selected on a regular basis for a renewal of their DBS check.

Dealing with convictions

If a DBS is returned with details of convictions HR advice must be sought. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- The nature of the role.
- The nature, seriousness and relevance of the offence.
- How long ago the offence occurred.
- One-off or history of offences.
- Circumstances surrounding the offence.
- Changes in circumstances.
- De-criminalisation and remorse.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS.

Employment of ex-offenders – existing employees

All employees are required to declare any criminal convictions or cautions whilst they are employed.

A failure to disclose such information (including spent convictions for posts where the rehabilitation of Offenders Exemption Orders apply) may lead to disciplinary action.

Employees are also encouraged to declare if they are subject of a police investigation in the UK or abroad, which may lead to one of these sanctions. The reason for this disclosure is to protect the reputation of Activate Learning and safeguard the interests of its students, and to provide appropriate support to the individual employee.

Employing ex-offenders

Activate Learning recognises their responsibilities under the Rehabilitation of Offenders Act and will ensure that convictions that are not relevant to an employee or potential employee's service do not affect their employment. Activate Learning endeavor not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

Having a criminal record will not necessarily bar an individual from a position with Activate Learning. This will depend on the nature of the position and the circumstances and background of the offence. Unless an appointment is prohibited by law, a criminal conviction will not automatically prevent an applicant from appointment.

Activate Learning undertake to discuss any matter revealed in a disclosure with the person seeking the position before a conditional offer of employment is withdrawn. Where applicable, applicants will be informed that their application will no longer be processed due to information received on previous convictions.

When convictions are disclosed (by the applicant or through a disclosure check), Activate Learning will carry out a risk assessment and may, at their discretion, decline to select the individual for employment.

If an individual has a criminal record which shows that under Schedule 4 of the Criminal Justice and Courts Services Act 2000 they are banned from working or seeking to work with young people under the age of 18, Activate Learning will automatically refuse employment. If an individual is recorded on the Barred list employment will automatically be refused and the DBS will be informed.

Where information provided by the DBS differs from that provided by the applicant, the HR representative must discuss the discrepancy with the applicant before a decision to appoint is reached.

Where the DBS is returned with information contrary to disclosures made by the applicant after appointment, HR Services will contact the relevant HRBP who will complete a DBS Interview with the employee. Any decision relating to employment will be made based on all the relevant information by the Director of the department with support from HR.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS.

Secretary of State Prohibition Orders (Teaching roles)

Anyone who is appointed to a teaching role of any kind, will require an additional check to ensure that they are not subject to a prohibition order issued by the Secretary of State, using the Teaching Regulation Agency employer access online service.

The TRA's employer access service will be checked for prohibition, direction, restriction and children's barred list status before any employee commences working at Activate Learning and particularly, if the DBS certificate is not available.

Staff who have lived outside the UK

Newly appointed staff who have lived outside the United Kingdom for 6 months or more within the last 5 years, are required to undergo the same checks as for all other staff, as well as any further checks deemed appropriate so that any relevant events that occurred outside the UK can be considered.

Where an applicant cannot provide a Certificate of Good Conduct (or equivalent), an external check will be processed.

Medical Fitness

New employees will complete a medical questionnaire as part of the pre-employment onboarding. This information will be reviewed against the specific requirements for the role.

No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

Employment References

Obtaining satisfactory references is an essential part of our recruitment process. The purpose is to provide objective and factual information to support appointment decisions.

All candidates must supply contact details, from a registered company e-mail address, for 2 referees. The first reference must be from the current employer and the second reference from their employment prior in

order to verify gaps in employment. If the candidate is not currently working with children then the second reference must be from the relevant employer from the last time the applicant worked with children, if applicable.

Where most recent employment term exceeds 5 years or there is no previous employer or educational referee to which a reference can be made character references may be considered. If it is not possible to obtain 2 references, a missing references risk assessment will be completed and retained on the employee file.

Referees will be approached once an offer of employment has been made and accepted.

References

- Keeping Children Safe in Education, updated September 2022
- Equality and Diversity Act 2010
- Local safeguarding children's board advice and guidance
- Health and Safety Act
- Prevent agenda
- Education Act 1996
- Safeguarding and Child Protection Policy
- Recruitment Policy
- Recruitment and Selection Procedure