



LINCOLN COLLEGE

**DISCLOSURE AND BARRING SERVICE
POLICY**

POLICY HR/PO/13

SPONSOR

Group Director of Human Resources

Equality and Diversity Statement

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

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DISCLOSURE AND BARRING SERVICE POLICY

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DISCLOSURE AND BARRING SERVICE POLICY

1 PURPOSE

- 1.1 The purpose of this policy is to ensure that Lincoln College complies with the procedures and regulations relating to Disclosure and Barring Service (DBS) checks on employees in accordance with the Code of Practice provided by the Disclosure and Barring Service, the Rehabilitation of Offenders Act 1974 and the Data Protection Act 1998.

2 AIMS

- 2.1 Lincoln College undertakes not to discriminate unfairly against the subject of Disclosure information on the basis of conviction or other details revealed.
- 2.2 Lincoln College actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates, including those with criminal records. All candidates are selected for interview based upon their skills, qualifications and experience.

3 INTRODUCTION

- 3.1 In order to assist staff to make appropriate use of Disclosure Information in reaching decisions, the following guidance will be adhered to in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

4 GUIDELINES

- 4.1 Disclosure checks for the purposes of recruitment shall not be used in isolation or as a substitute for any of the full range of existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history. Disclosures will only be sought after a candidate has been provided with a provisional offer of employment or a voluntary position.
- 4.2 Where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of an individual being offered the position.
- 4.3 Unless the nature of the position allows the college to ask questions about an entire criminal record, the college only asks about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- 4.4 The college undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- 4.5 At interview, or in a separate discussion, 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.

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

- 4.6 Individuals who have a criminal record will not necessarily be barred from working at the college. The Disclosure is passed to the HR Manager/Group Director of Human Resources to raise with the line manager/individual. A number of factors will be taken into account before reaching a decision which would be to either progress the appointment or withdraw the offer. These shall include the following;
- Whether the conviction or other matter revealed is relevant to the position in question;
 - The seriousness of any offence or other matter revealed;
 - The length of time since the offence or other matter occurred;
 - Whether the applicant has a pattern of offending behaviour or other relevant matters;
 - Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters and;
 - The circumstances surrounding the offence and the explanation(s) offered by the convicted.
- 4.7 Disclosures do not record convictions that were committed abroad. When recruiting candidates who have spent a period of time living or working abroad, a Disclosure is obtained in the normal way and a Disclosure or equivalent from the country(s) concerned may also be required, such as a certificate of good conduct from relevant embassies or police forces. The college will gain a certificate of good conduct for teaching posts where the employee has lived in the UK for less than 5 years.
- 4.8 Disclosure Information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 4.9 Where a Disclosure certificate has not been issued prior to an individual's start date, a decision will be taken by the HR Manager/Group Director of HR as to whether the individual can commence employment.
- 4.10 In the case of Lecturers/Assessors/Instructors, a check of the Adult and/or child barred list must be successfully obtained and a risk assessment completed by the relevant line manager, before a decision will be made by the HR Manager/Group Director of HR. The decision must be recorded on the risk assessment form before commencement of the worker.
- 4.11 For all Learner Assistant Support posts, where a Disclosure has not been issued prior to the start date, individuals will be unable to commence employment until this has been received.
- 4.12 If a disclosure is not received prior to the start date for agency bookings for teaching and or Instructor/Assessors in the mainstream curriculum areas or at the main campus, a risk assessment must be completed by the relevant line manager, before a decision will be made

by the HR Manager/Group Director of HR. The decision must be recorded on the risk assessment form before commencement of the worker.

- 4.13 Exceptions to the above include agency workers based out in the community or outreach venues or who undertake 1:1 twilight tutorials, a disclosure must be received before starting work. These agency workers cannot commence work without receipt of a satisfactory disclosure check and this must be at enhanced level with both the child and adult barred list checks.
- 4.14 All admin based agency workers will be required to complete a DBS check for assignments of four weeks or more. The HR Assistant – Recruitment will contact either the individual or the agency to ensure timely completion of the form and sight of relevant documents. This must then be recorded on the Single Central Record.
- 4.15 The number of DBS forms returned due to incomplete or inaccurate information will be monitored. This will ensure that trends are identified with the type of errors returned and the counter-signatories responsible.
- 4.16 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. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 4.17 Once a recruitment (or other relevant) decision has been made, the college will not keep Disclosure 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.
- 4.18 Once the retention period has elapsed, the college will ensure that any Disclosure information is immediately destroyed by secure means i.e. by shredding, pulping or burning. The college will not keep any photocopy or other image of the Disclosure. However, notwithstanding the above, the college may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.
- 4.19 Portability refers to the re-use of a Disclosure i.e. a Disclosure obtained for a position in one organisation and later used for a position in another organisation. Lincoln College will not currently accept the portability of Disclosures and as such all offers of employment will be subject to completion of a new Disclosure check.