

DBS Policy - STUDENT

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Confidentiality Statement

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LTE Group is the UK's first integrated education and skills group offering learning right across the spectrum. LTE group is the largest social enterprise of its kind. Retains charitable status and supports national and regional government aims. For further details of LTE Group, please visit our website: www.ltegroup.co.uk

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1 Introduction

1.1 The Group recognises that it has both legal obligations and a general duty of care to safeguard all those working and studying at the organisation as well as those who visit the various sites where children, young people and vulnerable adults are based.

1.2 Using the Disclosure and Barring Service (DBS) to assess applicants' suitability for placement, the organisation complies fully with the DBS Code of Practice. We actively promote equality of opportunity for all with the right mix of talent, skills and potential. We welcome applications from a wide range of candidates, including those with criminal records, in line with the Rehabilitation of Offenders Act. We do however recognise that our commitment to applicants is also balanced against the importance of safeguarding our students and our duty to ensure our students are not exposed to unnecessary risks.

1.3 Within the Group there are separate business units. The detail contained within this Policy applies to all students of The Manchester College and UCEN Manchester.

2 Scope

This Policy provides guidance on the Group's process for undertaking DBS checks for students who are required to undertake a placement in order to successfully complete their chosen course.

2.1 The placement of students is important and the organisation takes an approach which aims to encompass:

- The duty to protect any children and/or vulnerable adults whilst in direct contact with any TMC/UCEN Manchester students, undertaking Placements in various locations.
- The assurance for Ofsted that we are managing risk responsibly.
- The exceptions contained within The Rehabilitation of Offenders Act and the requirements of the Safeguarding Vulnerable Groups Act 2006;
- Recommendations from "Working Together to Safeguard Children" 2019 and "Keeping Children Safe in Education" September 2022;
- DBS Code of Practice;
- LTE Group Data Protection Policy
- Data Protection Act 2018

3 Definitions

3.1 Disclosure - this includes, but is not limited to, information relating to criminal/unlawful activity and, in the case of applicants, information relating to misconduct and/or other relevant information which may bring their suitability for Placement into question.

3.2 Regulated Activity with Children – the information below provides a summary of the main provisions of regulated activity relating to children (a person under 18 years of age). It does not cover all aspects of regulated activity relating to children or cover all exceptions.

3.2.1 Activity of a specified nature:

- teaching, training, instruction, care for or supervision of children (except if the person undertaking the activities is under regular supervision) if carried out by the same person frequently* or overnight;

- advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well-being if carried out by the same person frequently or overnight.

(* frequently means once a week or more for four or more times in any 30 day period)

3.2.2 Activity within a specified establishment:

- any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently;
- excepted is work by volunteers under regular supervision or occasional or temporary contract work that is not an activity of a specified nature listed above;
- specified establishments are schools, pupil referral units, academies, nursery schools, Further Education (FE) establishments mostly for children, institutions for the detention of children, children's homes, children's centres and childcare premises including nurseries.

3.2.3 Day to day management of regulated activity (any frequency*):

- Day to day management on a regular basis, of a person who is providing a regulated activity in relation to children. This includes the supervisor of a person who would be in regulated activity if not under regular supervision.

(* any frequency means that doing the activity once or more is regulated activity)

3.2.4 Supervising a child in employment/placement:

- Excepted from regulated activity relating to children is a person who supervises a child in the course of the child's employment including work experience. However, it is regulated activity if the child is under 16 and it is carried out by an unsupervised person for whom arrangements exist principally for that purpose.

3.3 Regulated Activity with Adults – the information below provides a summary of the main provisions of regulated activity relating to adults (a person over 18 years of age). It does not cover all aspects of regulated activity relating to adults or cover all exceptions.

Adults are regarded as vulnerable if they require regulated activities to be provided on their behalf at that particular time. Regulated activities include:

- Healthcare of an adult;
- Personal care of an adult;
- Providing social work;
- Assistance with general household matters;
- Assistance in the conduct of a person's own affairs;
- Conveying
- Day to day management of regulated activity

Regulated activity relating to both children and adults is defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended).

3.4 Standard Check – this checks for spent and unspent convictions, cautions, reprimands and final warnings.

3.5 Enhanced Check – a check of the Police national computer for records of convictions, cautions, reprimands and warnings. It also includes a check of any other information (soft intelligence) held by the Police considered to be relevant to the Police. Checks will also be carried out of the DBS Children’s Barred List for people working in regulated activity with children and of the DBS Adult’s Barred List for people working with vulnerable adults or both.

3.6 Evidence Requirements – applicants need to provide a minimum of three items of documentation one of which must contain their current address. Details of the acceptable evidence requirements are available from www.gov.uk/dbs

3.7 Filtering – the DBS do not include certain specified old and minor offences. The filtering rules, together with the list of offences that will never be filtered, are available from www.gov.uk/dbs. Applicants should refer to these rules if they need further information to help them understand whether any conviction information they may have will still appear on their certificate, or whether it will have been removed, and therefore whether they need to disclose that information to us. It will also assist applicants in completing the relevant question relating to conviction information on the DBS application form.

4 Responsibilities

4.1 Admin/Placement Officers – individuals employed in these roles must ensure they obtain the relevant evidence from candidate to enable the DBS application to be processed via eSafeguarding.

4.2 Decision makers – these individuals must act fairly, consistently and with integrity and accountability when making decisions in respect of the suitability for Placement in respect of all students.

4.3 Applicants and existing Employees – must handle disclosure data sensitively, respect confidentiality and in accordance with the DBS Code of Practice and LTE Group Data Protection Policy.

5. DBS Checks

5.1 Pre-employment Clearances

As part of the organisation’s overall commitment to safeguarding, it is imperative that all students who are recruited are suitable to undertake Placement hours

All DBS checks undertaken by The Manchester College/UCEN Manchester will be ENHANCED. If the role involves providing regulated activity an enhanced DBS check with barred list information will be required. If the role is solely based in a location which is not covered by the DBS code of practice, a DBS may not be required.

A Satisfactory DBS must be received, prior to any learner attending Placement.

- Volunteers: if they are age 16 or over and will be engaging in regulated activity they will need an enhanced DBS check with the relevant barred list information. If they are going to be based at a site which is exclusively or mainly for the provision of education to children (or will regularly visit such a site) they will need an enhanced DBS check. They

will not be allowed to commence voluntary work until the applicable check has been completed and a satisfactory disclosure received.

5.2 Frequency of DBS Checks

Students will be required to undertake a DBS check facilitated by The Manchester College / UCEN Manchester on the first year of their studies. They will also be encouraged to join the DBS Update should they wish to do so (see point 6.2). This initial DBS will be acceptable for X academic year the duration of the Study Programme. However, students may be asked to update if needed for a change of placement or where there are any safeguarding/welfare concerns.

6 DBS Process

6.1 How is the DBS check carried out?

DBS PROCESS

TMC/UCEN Manchester will work in conjunction with eSafeguarding in order to ensure that all students undertake an ENHANCED DBS prior to attending any work Placement. A successful disclosure must be viewed before a learner attends Placement. Where there may be Cautions/Reprimands, the CCDRA Process must be followed.

CCDRA Process – Currently under review



CCDRA.xlsx

Receipt of the DBS Certificate

Dependent upon the content of the disclosure information a start date may be arranged.

6.2 DBS Update Service

The DBS includes an Update Service which individuals can choose to subscribe to. Subscribing to the Update Service entitles individuals to have their DBS certificate kept up to date and potentially use the same disclosure certificate between organisations (including voluntary organisations) providing certain criteria is satisfied e.g. the same type and level of check is required by the “new” body. If an applicant already subscribes to the Update Service they should inform the recruitment panel when attending for interview, as a new DBS application may not be required if they are successful. Applicants will need to give the organisation consent to carry out a status check which will be dependent upon them providing their original DBS certificate to us. If the status check reveals a change to the DBS certificate applicants will subsequently be required to complete a new DBS application form.

If an applicant is not already a member of the Update Service they will need to complete the new DBS application via the link issued by eSafeguarding. As they will be completing a new DBS check for their placement they will be eligible, should they choose to do so, to subscribe to the Update Service on an individual basis. This needs to be done within 30 days of the certificate being issued. Please note the organisation does not require students to subscribe to the Update Service and will not reimburse

any annual subscription amounts, however we do encourage students to subscribe to the Update Service should they wish to do so.

6.4 Process to determine suitability

It is important that applicants understand that having a criminal record will not necessarily bar people from working for the organisation. We consider any matter revealed in a Disclosure (or as otherwise disclosed by the applicant) in a sensitive and confidential matter. In determining the applicant's suitability for employment, we will consider the details/circumstances of the offence, the time lapsed since the last conviction, nature of the position etc. The decision as to whether to allow the learner to commence Placement will balance the primary concern, which is to protect any children/vulnerable students in direct contact with TMC/UCEN students, whilst on Placement

6.5 Applicants with a Disclosure

It is impossible to provide definitive guidelines as to what should or should not cause an applicant to be rejected and therefore if a disclosure is received in relation to a potential applicant the matter will be referred to the relevant person who will undertake a risk assessment. The decision maker(s) will consider the matter and decide whether the applicant should be rejected, allowed to proceed and/or whether any risk assessments or safeguards should be put in place.

6.6 Handling of DBS Certificate information

The organisation complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of DBS certificates and Disclosure information. We also comply fully with our obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. More information about how we handle personal data is outlined in our Privacy Notice.

7 Referrals

As a regulated activity provider, we have a legal duty to refer an individual to the DBS in the following circumstances:

- When we have permanently removed a person from “regulated activity” through dismissal or permanent transfer from “regulated activity” (or would have if the person had not left, resigned, retired or been made redundant);
- And we believe the person has either:
 - 1) Engaged in “relevant conduct”, or
 - 2) Satisfied the “harm test” (i.e. no action or inaction occurred, but the present risk that it could was significant), or
 - 3) Received a caution or conviction for a “relevant offence” (a list of these offences is available from the DBS).

7.1 A referral will not usually be made when a safeguarding concern is first raised or an allegation is first made, as it is important that a process of investigation is conducted first, which may include the organisation's disciplinary policy being invoked, in order that sufficient information can be provided to the DBS should a referral be deemed to be required.

7.2 If an employee student is part of a disciplinary process which results in a sanction relating to the above the organisation will consider if the concern/allegation meets the above requirements for

a referral to be made. A referral decision will be made by the nominated decision maker(s). If the decision is made not to refer to the DBS, a record will be made of the consideration undertaken and why that decision was made. It is important to highlight the fact that should an individual resign from or otherwise leave their employment prior to the conclusion of any investigation/disciplinary process, a referral will still be made to the DBS, should the criteria for a referral be met.

The organisation will notify any individual in writing that they are being referred to the DBS and the reason(s) for the referral.

7.3 The organisation will also give consideration to whether the concern should be raised with the Local Authority Designated Officer (LADO) or whether a referral to other relevant professional bodies such as the Institute for Learning is appropriate. For Novus employees this could include raising the concern with the relevant Governing Governor.

7.4 The organisation has a standard policy of providing factual references following the end of employment which confirm the dates of employment, the role in which the person was employed and the reason for employment ending. Should the employee have been subject to a referral in relation to a DBS concern and a prospective employer asks a specific question about this, then they will be informed about the presence of that referral.

Statement on the recruitment of ex-offenders

As a Group using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, the organisation undertakes to treat all applicants for positions fairly. The organisation undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

This statement will be made available to all applicants at the outset of the recruitment process.

The organisation actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of applicants. The organisation selects all applicants for interview on the basis of their skills, qualifications, experience and suitability for the role.

A disclosure is only requested after the organisation has established that one is both proportionate and relevant to the position concerned. For those positions where such a check is required, all job advertisements and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position.

Where a disclosure is part of the recruitment process, the organisation encourages all applicants called for interview to provide details of any criminal record at an early stage in the application process. The organisation guarantees that only those who need to see it as part of the recruitment process will see this information.

Unless the nature of the position is such that the organisation may ask questions about an individual's entire criminal record, the organisation will only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

The organisation will ensure that all individuals involved in the recruitment process receive appropriate guidance and training in the legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974.

The organisation will ensure that it discusses with the applicant the relevance of any offence to the job in question. An applicant's failure to reveal information directly relevant to the job could result in withdrawal of an offer of employment. The organisation will ensure that it makes any applicant who is subject to a disclosure aware of the DBS Code of Practice and will provide a copy of the Code on request.

The organisation undertakes to discuss any matter revealed in the disclosure with the applicant before withdrawing the offer of employment. Having a criminal record will not necessarily prevent the applicant from working with the organisation. Whether or not it does, will depend on the nature of the position and the circumstances of the offence(s).