

DBS Policy

Marine Academy Plymouth

MARINE ACADEMY PLYMOUTH POLICIES

VERSION CONTROL SHEET

POLICY NAME: DBS Policy

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Document date	Filename	Mtg submitted	Summary of changes required
01-09-10		TUPE	New policy
01-09-11			No change
01-09-12			Amend to add self declaration
1-02-14			Change to DBS
29/4/2015		Personnel	Disclosure by association plus amalgamation of all DBS policies

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INTRODUCTION

The policy provides guidance to managers on how to manage the Disclosure and Barring Service (DBS) process (to include employees and volunteers) to positions where they will typically have access to children. Marine Academy Plymouth has a duty of care to protect the well-being of the people who use the college.

The Academy will take every step to ensure that those of its employees, volunteers and contractors who work with or otherwise come into contact with students are suitable to undertake the work.

This policy will apply equally to internal candidates (ie those currently employed by the college) and external candidates being considered for employment or volunteer positions. It will also apply where external agencies recruit and employ staff to carry out contract work on behalf of the college or where external agencies supply staff to work within the college. As a responsible employer, the Academy will ask successful candidates to undertake a DBS check when applying for positions which are included in the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974.

All posts within the Academy are included in the Exceptions Order to the Rehabilitation of Offenders Act 1974.

LEGISLATION

This policy has been written with regard to the following legislation:

Human Rights Act
Data Protection Act 1998
The Police Act 1997
The Safeguarding Vulnerable Groups Act 2006
The DBS Code of Practice
The Rehabilitation of Offenders Act (ROA) 1974
The Criminal Justice and Court Services Act 2000
Disqualification under the Childcare Act 2006

DISCLOSURE BY ASSOCIATION – Childcare Act 2006

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1st September following a child's fifth birthday ie. Up to and including reception age) or later year's childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare.

The Governors have made the decision to check all staff who work within the primary school, all nursery staff and all secondary staff who regularly visit the primary in the course of their role. In addition MAP staff who work within our feeder primary schools and work on our community programme will also be covered.

See Appendix 1 for the form that will be completed on recruitment. Staff will be asked to sign a disclosure in September each year, rather than an on-going completion of the form.

In the event that a disclosure is made, the Academy will follow the recommend guidelines issued by Ofsted and appeal process.

SECURE HANDLING OF INFORMATION

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties.

Actual DBS certificates will not be retained, with the college just recording the number of the check and the date, plus any relevant information if necessary.

RECRUITMENT

Whenever a vacancy arises, the following will always be observed:

- A suitably qualified and trained appointing officer will be designated to be responsible for the recruitment process.
- The job advertisement and any supporting information sent to prospective candidates will clearly state that the post is subject to a DBS disclosure/Disclosure by association
- Only the successful candidate will be required to apply for a DBS disclosure.
- An offer of employment can be made subject to relevant pre-employment checks including a DBS disclosure.

- If the DBS disclosure contains a trace, or additional information is received by the police, an interview will be held with the candidate to discuss further and a decision made by the Head and or Governors on whether to proceed with the appointment

RECRUITMENT OF EX-OFFENDERS

As an organisation using the DBS disclosure service to assess candidates' suitability for positions of trust, the Academy complies fully with the DBS code of practice and undertakes to treat all candidates for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

The Academy 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 disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

All application forms, job adverts 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 to form part of the recruitment process, we encourage all candidates called for interview to provide details of their criminal record at an early stage in the application process. The appointing officer will discuss this with candidates during the interview process, if any declaration has been made.

All appointing officers as part of the Academy recruitment process have access to guidance and expertise from suitably trained officers to identify and assess the relevance and circumstances of offences. As part of the Academy's disclosure of offences procedure, the interview panel seek approval from a senior manager regarding the final decision on suitability.

Having a criminal record is not necessarily a bar to working with the Academy. This will depend on the nature of the position and the circumstances and background of the offences.

INDEPENDENT SAFEGUARDING AUTHORITY

From October 2009 the Independent Safeguarding Authority (ISA) created two barring lists; the ISA Children's Barred List (containing details of those individuals barred from working with children). This list replaces List 99, the POCA list and disqualification orders. It also created the ISA Adult's Barred List which contains details of those individuals barred from working with vulnerable adults (replacing the POVA list). When recruiting to posts which undertake "regulated activities" with one or both vulnerable groups, the Academy will request checks to be made against the relevant barred list(s) as part of the DBS check. It is a criminal offence for individuals barred by the ISA to work or apply to work with children or vulnerable adults in a wide range of posts including most social care posts, those in education, childcare, NHS and post in the Prison Service. Employers also commit a criminal offence if they knowingly employ a barred individual in such posts.

RE-CHECKING EXISTING EMPLOYEES

The Academy's Governing Body has confirmed that existing Marine Academy Plymouth employees, who have previously undertaken a DBS disclosure relevant to their current post, will be required to undertake a self-declaration on a yearly basis. The self-declaration will prompt the disclosure of any convictions, cautions, warnings or reprimands that may have arisen post appointment. Although the requirement to disclose such information is highlighted in employees' principal statements, the requirement to complete a self-declaration provides a clear reminder of the importance of disclosure.

All employees will be expected to comply and any employee refusing to comply with the request for a disclosure will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued and/or to comply with a contractual agreement, will lead to the employee being subject to a disciplinary investigation.

In addition to the requirement to complete a self-declaration, MAP reserves the right to ask existing employees in relevant positions to apply for a disclosure if their actions or activities give cause for concern. The grounds for this could include failure to complete a self-declaration, allegations of suspicious or inappropriate behaviour made to a child or vulnerable adult, or a colleague, parent, carer or member of the public. In such instances a full investigation will be conducted and the Academy may ask for a new disclosure to be carried out in accordance with legal advice.

If as part of the re-checking process, a DBS disclosure is deemed unsatisfactory, a full investigation will be undertaken which may result in a member of staff being dismissed.

OVERSEAS CANDIDATES

All persons appointed to a post, or seeking to volunteer with children who have lived outside the United Kingdom for more than 3 months within the last 5 years, must undergo a DBS check regardless of their length of stay in the UK. They will also be required to provide a Certificate of Good Conduct from the country which they lived in. This check will be provided by the candidate as a condition of their employment.

Although it may be of limited value to ask a person who has little or no previous residence in the UK to apply for a disclosure, if that person seeks to work in the regulated childcare sector, the employer is required to check the ISA Children's Barred List through the disclosure process .

STUDENT PLACEMENTS

The Academy requires a current DBS (within the last three years) to be presented before any student conducts a placement at MAP.

ACCEPTING AN EXISTING DBS CHECK

The Academy does not accept portability of DBS checks and will always request a new one on appointment. In addition the Academy does not subscribed to the update service .

AGENCY AND CONTRACTORS

Those responsible for hiring agency or contract workers on behalf of the Academy must ensure that the requirement for such individuals to have completed appropriate levels of DBS disclosures (and that such disclosures are satisfactory) forms part of any contractual agreement.

MONITORING AND REVIEWING

The Academy will monitor and review this policy on a regular basis in order to ensure ongoing compliance with legislation and effective operational practice.

The Academy reserves the right to alter and amend this policy in accordance with any recommendations, changes in law or other related legislation following consultation with relevant parties