Quality Management System

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Safer Recruitment Policy

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Contents

Section and Title	Page Number
Alternative Format Statement	2
1.0 Introduction and Overview	4
2.0 Recruitment and selection process	7
3.0 Pre-appointment vetting checks, regulated activity and recording information	12
4.0 Prohibitions, directions, sanctions and restrictions	21
5.0 Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings	25
6.0 How to ensure the ongoing safeguarding of children and the legal reporting duties on employers	32
7.0 Secure Storage, handling use, retention and disposal of Disclosure information	35
8.0 The Sexual Offences Act 2003	36
9.0 Concerns about the level of check requested	36
10.0 DBS Filtering rules	36
11.0 Staff Training	37
Contact Information	37

Safer Recruitment Policy

1.0 Introduction and Overview

1.1 Bishop Auckland College Group, comprising of Bishop Auckland College, South West Durham Training and Durham Gateway (thereafter to be termed 'the Group'), has a duty of care to all of its learners and staff to create a culture of safe recruitment. Safeguarding describes the broad preventative and precautionary approach to planning procedures that the Group feels are necessary to have in place in order to protect its learners. Safer recruitment is an essential aspect of safeguarding.

1.2 It is vital that the Group creates a culture of safe recruitment and as part of that, adopts robust staff recruitment and selection procedures and other management processes that help to deter, reject or identify people who might abuse children or are otherwise unsuited to work with learners. Safer recruitment is key to the effective application of safeguarding practice in further education. This policy has been prepared with reference to the Disclosure and Barring Service (DBS) and Keeping Children Safe in Education Guidance, to give information on the Group's current arrangements for recruitment and selection of new staff, pre-appointment and vetting checks, regulated activity and recording of information, other checks that may be necessary for staff, volunteers and others and how to ensure the ongoing safeguarding of children and the legal reporting duties for the Group.

1.3 The Safer Recruitment Policy is designed to ensure that those who are known to be unsuitable do not gain access to learners and children and those who intend to cause harm are discouraged and prevented at every possible stage from entering the workforce. The Safer Recruitment Policy works alongside the Group's Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3- 01), to allow the Group to act responsibly in making decisions about the suitability of a prospective employee based on checks and evidence including: criminal record checks, barred list checks and prohibition checks together with references and interview information.

1.4 Positions at the Group are within a Further Education establishment and could involve regular contact with persons under the age of 18; the Group needs to know about any criminal convictions and/or pending prosecutions in relation to new and existing staff. All job applicants are therefore asked, through the application form and self-declaration form, to provide information about criminal convictions and prosecutions pending. The Group is entitled to ask for, and job applicants are not entitled to withhold, information about convictions which, for other purposes, are "spent" under the provisions of the Rehabilitation of Offenders Act 1974.a check as to the existence of, and content of, a criminal record will be requested from the DBS.

Similarly, the Group requires staff to disclose details of any criminal charges or convictions acquired during employment with the Group. The Group is entitled to receive and act on information received from the police and safeguarding authorities. The Group will check to see that appointed staff are not barred from working with children or vulnerable adults wherever eligible to do so.

1.5 The Group is nevertheless committed to promoting equality of opportunity and welcomes applications from candidates with criminal records where these are not relevant to employment within the Group. The Group undertakes to comply fully with the DBS Code of Practice and does not automatically exclude applicants on the basis of convictions or other information received (unless there is a legal bar). Candidates are selected for interview and for appointment based on their skills, qualifications and experience.

1.6 The Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3-01) and this policy are therefore designed to prevent unsuitable people from gaining access to learners/children and to maintain the integrity of the Group, whilst at the same time respecting human rights and privacy issues and complying with the requirements of data protection legislation including GDPR, Data Protection Act 2018 and Data (Use and Access) Act 2025, as applicable.

1.7 Safer recruitment checks do not eradicate the need for ongoing safeguarding awareness. Ongoing awareness during the course of employment is essential. Recruitment checks generally can only pick up the small percentage of people who may cause harm who have been convicted, come to the attention of the police or who have been listed, or where previous concerns have been identified. The majority of individuals who are unsuited to work with children, young people or those who are

vulnerable will not have any previous convictions or appear on the barred lists.

1.8 The Group will maintain a culture of vigilance. Managers will ensure that they adhere to the Safer Recruitment Policy (ref: POL-HR-05) and Recruitment, Selection and Appointment of Staff Procedure (ref: BAC-HR-3-01), as well as be alert to any warning signs identified through normal line management activities or the performance management process. The Group's Safeguarding/Child Protection Policy (ref: POL-CP-01) gives details about the arrangements for receiving and passing on concerns.

1.9 The HR department is responsible for maintaining a single central record. This holds confirmation of DBS and other relevant checks. It is, therefore, the responsibility of all line managers to ensure that the HR department is made aware of any new employee, volunteer or agency worker prior to them commencing with the Group so that the relevant checks can be carried out.

1.10 The level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required will depend on the role that is being offered and duties involved. For most appointments within the Group, an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity.

A person will be considered to be in **regulated activity** if, as a result of their work, they are:

a) Teaching, training, instructing, caring for (see c below) or supervising children if the person is providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children:

b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children.

Work under (a) or (b) is regulated activity only if done regularly*. Some activities are always regulated activities, regardless of frequency. This includes:

c) Relevant personal care, or health care provided by or provided under the supervision of a health care professional:
   - Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.
   - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

1.11 For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS check which does not include barred list information will be appropriate.

1.12 In addition to obtaining the DBS certificate, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

1.13 As this policy can involve processing of personal data, data protection regulations will be adhered to. Please refer to the General Data Protection Regulation Policy (ref: POL-DP-01) for further information.

2.0 Recruitment and selection process

This section of the policy focuses on ensuring that potential applicants are given the right messages about the Group's commitment to recruit suitable people.

The Governing Body ensures that the Group has a culture that safeguards and promotes the welfare of all learners and staff, including children. As part of this culture, there is in place robust recruitment procedures in order to deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities.

The Governing Body ensure that all of those involved with the recruitment and employment of staff to work with children receive appropriate safer recruitment training, the substance of which covers the content of the relevant section of

Keeping Children Safe in Education.

The Group ensures that at least one person who conducts an interview has completed safer recruitment training, however, also aims to ensure that all persons involved in an interview are safer recruitment trained and aim to ensure that this training is renewed every 3 years as well as additional updates where relevant.

2.1 Advert

The Group aims to include the following information through the job description and person specification:

- The skills, abilities, experience, attitude, and behaviours required for the post: and
- The safeguarding requirements, i.e., to what extent the role will or could involve contact with children and whether they will be engaging in regulated activity relevant to children

The advert for the role, or accompanying documentation will include:

- The Group's commitment to safeguarding and promoting the welfare of children and should make clear that safeguarding checks will be undertaken
- The safeguarding responsibilities of the post as per the job description and person specification; and
- Whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exception Order 1975, 2013 and 2020

Further information about filtering offences can be found in the DBS filtering guide.

All applicants for a position at the Group should receive or be able to view on the website a fact sheet on safer recruitment and/or the full Safer Recruitment Policy, therefore should be aware of the checks involved.

2.2 Application form

Where a role involves engaging in regulated activity, the Group will include a statement in the information provided to the applicant that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity.

The Group will also provide or make available a copy of the Child Protection/ Safeguarding Policy and policy on employment of ex-offenders within the application pack.

The Group requires applicants to provide the following information:

- Personal details, current and former names, current address and national insurance number
- Details of their present (or last) employment and reason for leaving;
- Full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- Qualifications, the awarding body and date of the award
- Details of referees/references; and
- A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification

The Group will not accept a curriculum vitae in replacement of an application form

2.3 Shortlisting

Shortlisted applicants will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children.

Information which may be requested includes:

- If the applicant has a criminal history
- Whether they are included on the barred list
- Whether they are prohibited from teaching
- Whether they are prohibited from taking part in the management of an independent school
- Information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
- If they are known to the police and children's social care;
- If they have been disqualified from providing childcare
- Any relevant overseas information

This information will normally only be requested from applicants who have been shortlisted. The information will not be requested in the application form to decide who should be shortlisted

Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where an electronic signature is accepted, the applicant should sign a hard copy at the interview.

The purpose of the self-declaration is so that candidates have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

The Group will ensure:

- At least two people carry out the shortlisting process exercise and unless due to exceptional circumstances, those who carry out the shortlisting will conduct the interview;
- They consider any inconsistencies and look for gaps in employment and reasons given for them; and
- Explore all potential concerns

As part of the shortlisting process, the Group will aim to carry out an online search using publicly available information for shortlisted candidates. Candidates will be informed in advance that such searches may be undertaken.

Searches will be undertaken for legitimate safeguarding and recruitment due-diligence purposes and will not be used to investigate irrelevant personal information. Any information identified will be considered objectively and in accordance with applicable data protection and equality legislation.

Where practicable, the online search should be undertaken by a person who is not directly involved in the selection decision. Relevant concerns will be recorded and, where appropriate, explored with the candidate before a final appointment decision is made.

2.4 Employment history and references

The purpose of seeking references is to allow the Group to obtain factual information to support appointment decisions. Where appropriate, the Group will aim to obtain references prior to interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview or before appointment.

The Group will:

- Not accept open references;
- Not rely on applicants to obtain their references
- Ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority. If the referee is school or college based, wherever possible, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- Secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children);
- Always verify any information with the person who provided the reference, where relevant;
- Ensure electronic references originate from a legitimate source;
- Contact referees to clarify content where information is vague or insufficient information is provided;
- Compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- Establish the reason for the candidate leaving their current or most recent post; and,
- Ensure any concerns are resolved satisfactorily before appointment is confirmed.

At least two references are taken up and others may be requested at the discretion of the Group. Where an applicant is not currently working with children but has done so in the past and is applying for a post in the Group, a reference may also be obtained from the employer by whom the person was most recently employed in work with children.

Where requested, references should confirm whether the referee is satisfied with the applicant's suitability to work with children and should provide factual information regarding any substantiated safeguarding concerns or allegations which meet the harm threshold.

References must not include concerns or allegations (including low-level) which have been found to be unsubstantiated, unfounded, false or malicious.

Any safeguarding information provided in a reference will be handled confidentially

and in accordance with data protection requirements.

2.5 Selection

The Group aims to use a range of selection techniques to identify the most suitable person for the post. The interview panel will agree structured questions.

The interviews will normally be used to explore potential areas of concern to determine the applicant's motivation and suitability to work with children and young people; their safeguarding responsibilities and how they would respond to concerns.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case.

Learners will normally be involved in the recruitment process, specifically where the role is for a teaching position.

The 'safer recruitment designate' (at least one person who is safer recruitment trained) on the interview panel must ensure that any identified criminal prosecution pending, caution or conviction as well as any other concerns are fully explored (before, during or after the interview as appropriate) in order to assess suitability for appointment.

All information considered in the decision-making process will be clearly recorded along with decisions made.

3.0 Pre-appointment vetting checks, regulated activity and recording information

This section provides the legal requirements that the Group **MUST AND WILL** carry out when appointing individuals to engage in regulated activity. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases may be legally prohibited from working with children and/or working as a teacher). These checks are part of the wider safeguarding regime which will carry on following appointment. The section also gives details of the information that the Group will record on the single central record.

The Group **MUST AND WILL** carry out an enhanced DBS check (including with barred list information, for those who will be engaging in regulated activity)

All offers of appointment at the Group are conditional until satisfactory completion of the mandatory pre-employment checks.

The Group **MUST AND WILL** carry out the following pre-employment checks**:**

- **ID check** - Verify a candidate's identity, it is important that the Group is sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. As best practice, the Group will aim to check the name on a birth certificate, where this is available.
- **DBS check** - Obtain (via the applicant) an enhanced DBS check (including barred list information, for those who will be engaging in regulated activity). When using the DBS update service, the Group will still need to see the original certificate.
- **Barred list check** - Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available.
- **Mental and Physical Fitness check** - Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant will be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.
- **Right to work in the UK** - Verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, the Group should follow advice on the GOV.UK website.
- **Further checks from outside the UK** - If the person has lived or worked outside the UK, make any further checks the Group consider appropriate.
- **Qualifications** - Verify professional qualifications, as appropriate. The DfE's check a teacher's record service may be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation

In addition, the Group **MUST AND WILL:**

- **Section 128 check** – carry out a section 128 check where relevant to the role
- **Prohibition checks** - Before employing a person to carry out teaching work, establish whether the person is subject to a prohibition order issued by the Secretary of State

- **Childcare Disqualification** - Ensure that appropriate checks are carried out to ensure that individuals employed to work in any relevant provision are not disqualified from working in this setting under the 2018 Childcare Disqualification Regulations.

Due to business efficiency reasons, it is not always possible to complete all of the pre-employment checks prior to the projected starting date. Therefore, all appointments within the Group are made on a conditional basis. Where a DBS check has not been carried out prior to a projected start date, the Manager requiring the person to start must complete a Risk Assessment. This must be completed by HR and authorised by the relevant manager. The relevant Line Manager will take responsibility for putting the appropriate interim arrangements in place e.g., supervision, limited IT access, sign in as visitor, ensuring that nobody works in regulated activity where we have no DBS.

It is essential that no person commences a position of regulated activity prior to a DBS or Barred List check.

The Group reserves the right to withdraw an offer of employment to anybody who does not satisfactorily meet any of the above checks and therefore any offer of employment will be conditional until all checks are complete and are satisfactory.

3.1 Applicants moving from previous post

For the Group there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant worked in:

- A school in England in a position which brought him or her regularly into contact with children aged under 18; or
- Another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training supervising or being solely in charge of persons aged under 18

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances above, the Group may still choose to request one to ensure they have

up to date information, However, the Group **MUST AND WILL** still carry out all other relevant pre-employment checks, including where the individual is engaging in regulated activity, a barred list check.

3.2 Regulated activity

A person will be engaging in regulated activity with children if they work on a frequent basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children.

A person will also be in regulated activity if, as a result of their work or volunteering, they:

• will be responsible, on a frequent basis in a school or college, for teaching, training instructing, caring for or supervising children, providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children, or

• engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity are below

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 and The Crime and Policing Act 2026.

Regulated activity includes:

a) paid and unpaid work that involves teaching, training, instructing, caring for or supervising children, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;

b) any other type of paid work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children.

Work under (a) or (b) is regulated activity only if done frequently, on more than 3 days in a 30-day period or overnight. Some activities are always regulated activities, regardless of frequency. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability; health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.
Regulated activity will not be:
• paid work in specified places which is occasional and temporary and does not involve any of the activities in (a) above.

The period is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at a). It is also satisfied if it is done between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

Types of DBS checks

Disclosure and Barring Service (DBS) checks. The following are the types of DBS checks available:

Basic DBS check: this provides details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974

Standard DBS check: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

Enhanced DBS check: This provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a standard DBS check, plus any additional information held by the police such as interviews and allegations. Additional information will only be disclosed where a

chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken **MUST** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.

Enhanced DBS check with barred list information: where people are working or seeking to work in regulated activity with children (or with adults at risk), this allows an additional check to be made about whether the person appears on the children's barred list (or adults barred list) along with a check of the Police National Computer records plus additional information held by the police as above.

The position being applied for, or activities being undertaken **MUST** be eligible for an enhanced DBS check as above and be for the purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list (s) check. In addition, this check can also include information as to whether an individual is subject to a section 128 direction. However, specific wording must be used in the position applied for field

Considering which type of check is required

Most staff in the Group will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

For all other staff (e.g.) contractors who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate which does not include a barred list check, will be appropriate.

Barred list information **MUST NOT AND WON'T** be requested on any person who is not engaging in or seeking to engage in regulated activity. Where any applicant does not feel that the level of check is correct for the role they are applying for, they should contact the HR department immediately to discuss this.

Where a DBS certificate is required, it **MUST AND WILL** be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service.

Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **MUST** show the original paper DBS certificate to the HR department before they take up post, or as soon as practicable afterwards.

The Group will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process.

The Group will assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) will be clearly documented and in line with its policy on recruitment of ex-offenders.

When assessing any disclosure information on a DBS certificate, the Group will take into consideration the explanation from the applicant, including for example:

- the seriousness and relevance to the post applied for;
- how long ago the offence occurred;
- whether it was a one-off incident or a history of incidents;
- the circumstances around the incident; and
- has the individual accepted responsibility for their actions?

The Group will also consider the incident in the context of the Teachers' Standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

If in an exceptional circumstance, where the College Group allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it would ensure that the individual is appropriately supervised and that all other checks are carried out, including a separate children's barred list check.

Separate barred list checks **MUST AND WILL** only be carried out in the following circumstances:

- for newly appointed staff or volunteers who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks have been carried out); or,
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not

more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out).

The Group will assess each role and consider what DBS checks are eligible for that particular role. This will be clearly displayed on the Person Specification/Job Description which is issued with each application form. All offers of employment to these posts are conditional upon the Group receiving satisfactory checks.

The Group use an online service to carry out DBS checks. Once the checks are complete, the Group will have access to the details online (via the e-safeguarding website).
This will be seen prior to an applicant taking up the post or as soon as reasonably practicable afterwards. Please note that if the Organisation is unable to view a suitable DBS check prior to an applicant taking up the post, the applicant will either not be able to start work or there will be a risk assessment in place which prohibits the individual from working in regulated activity.

It is essential that all new applicants complete their DBS check as soon as they receive it to ensure that there are no unnecessary delays within the recruitment process. Where a criminal conviction is disclosed through the checking process, HR will liaise with the relevant Line Manager/Executive team on a confidential basis to jointly assess the relevance of any convictions or other matters revealed and determine whether an appointment can be confirmed.

The Group places safeguarding as a priority and therefore will always request the highest eligible DBS check for all staff. As it is a criminal offence for anybody who is on the barred list to seek to undertake work with children or vulnerable groups, the Group encourages all applicants to read thoroughly the level of checks required to work at the Group and ensure that they are eligible to apply for the positions. Applicants are also encouraged to disclose details of their criminal record at an early stage in the application process.

The Group has a DBS Code of Practice and makes a copy available on request to all employees/potential employees from the HR Department.

The Group undertakes to discuss any matter revealed in a Disclosure (unless this would be contrary to DBS guidance) with the person seeking the position before

confirming or withdrawing a conditional offer of employment. At interview, or in a separate discussion, the Group ensures that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure to reveal information could lead to the withdrawal of an offer of employment or the termination of employment if an appointment has already taken place.

DBS arrangements also apply for volunteers, agency staff and third-party staff, where these are used, HR will make the necessary arrangements.

3.3 DBS Update Service

Individuals can join the DBS update service at the point that an application for a new DBS check is made, or within 30 calendar days of the certificate issue date. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

The benefits of joining the update service are:

- portability of a DBS check across employers;
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new DBS check; and
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Before using the update service, the Group **MUST AND WILL**:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- examine the original certificate to ensure that it is valid for the children's workforce; and/or adult workforce where appropriate, and
- ensure that the level of the check is appropriate to the job they are applying for, e.g., enhanced DBS check/enhanced DBS check including with barred list information.

Where a status check online reveals a change(s) to the certificate then the Organisation reserves the right to apply for a new certificate.
A printed copy of the status check will be taken and stored in accordance with the DBS Code of Practice and the Data Protection Act.

4.0 Prohibitions, directions, sanctions and restrictions

4.1 Secretary of State teacher prohibition, and interim prohibition, orders

Teacher prohibition, and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England.
Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A person who is prohibited **MUST NOT AND WILL NOT** be appointed to a role that involves teaching work.

4.2 Historic General Teaching Council for England (GTCE) sanctions and restrictions

There remain a number of individuals who are still subject to disciplinary sanction, which were imposed by the GTCE (prior to its abolition in 2012).

Where relevant all prohibition checks will be made on staff who are offered and accept a position within the organisation via the DfE's Check a teacher's record. Where applicable, the system will also be used to check the status of Qualified Teaching Status.

For roles which involve teaching in the Group, checks will be made to see if there are any prohibitions or sanctions in place.

4.3 Secretary of State section 128 direction

A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools.

An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy, or in a free school as an employee;
- be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school; or
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A person subject to a section 128 direction is also disqualified from holding or continuing to hold office as a governor of a maintained school.

Where the Group is proposing to recruit a governor, they will check whether they are subject to a section 128 check.

4.4 How the Group conducts checks for prohibitions, directions, sanctions and restrictions

The Group will use the DfE's Check a teacher's record to make prohibition, direction, restriction, and children's barred list check as well as a range of services including verification of teacher status (where applicable) and the completion of teacher induction or teacher probation (where applicable).

4.5 European Economic Area (EEA) regulating authority teacher sanctions or restrictions

From 1 January 2021 the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states. Advice about how information about a teacher's past conduct may be obtained can be found at section 5.1.

4.6 Childcare Disqualification

Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.
The childcare disqualification arrangements apply to staff working with young

children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on Group sites.

The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in Wraparound care for children up to the age of 8, such as breakfast clubs and after school care.

For any staff working in this setting, or involved with the management of such provision, the Group will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018.

4.7 Recording information Single central record

The Group **MUST AND DOES** maintain a single central record of pre-appointment checks (the single central record).

The single central record **MUST AND DOES** cover the following people:

- Details of staff, including agency and supply staff providing education to children under the age of 18.

The Group's single central record will hold information on all staff.

The paragraph below sets out the minimum information that **MUST BE AND IS** recorded in respect of staff members (including teacher trainees on salaried routes). For agency and third-party supply staff, the Group **MUST AND DOES** include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The single central record **MUST AND DOES** indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- An identity check;
- A barred list check;
- An enhanced DBS check requested/certificate provided;
- A prohibition from teaching check
- Further checks on people who have lived or worked outside the UK;
- A check of professional qualifications, where required; and
- A check to establish the person's right to work in the

United Kingdom In addition:

- The Group **MUST AND DOES** record whether the person's position involves 'relevant activity', i.e., regularly caring for, training, supervising or being solely in charge of persons aged under 18

The details of an individual will be removed from the single central record once they no longer work within the Group.

Non-statutory information

The Group may also record any other information they deem relevant. For example:

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements;
- checks made on volunteers;
- checks made on governors;
- dates on which safeguarding and safer recruitment training was undertaken;
- the name of the person who carried out each check.

4.8 Retention of documents

Copies of documents used to verify the successful candidate's identity, right to work and required qualifications will be kept in their personnel file.

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10. Where the Group chooses to retain a copy, there will be a valid reason for doing so and it will not be kept for longer than six months. When this is destroyed, the Group may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken.

5.0 Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings

This section sets out the checks that are necessary for individuals who have lived or worked outside the UK; agency and third-party staff; contractors; trainee teachers; volunteers; governors and proprietors.

5.1 Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK **MUST AND WILL** undergo the same checks as all other staff in the Group. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the Group **MUST AND WILL** make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, the Group will apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.
These checks could include, where available:

- criminal record checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Where available, such evidence will be considered together with information obtained through other pre-appointment checks to help assess the suitability of the applicant.

Where this information is not available, the Group will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, the Group will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. The Group will also be mindful that the criteria for disclosing offences in other countries often have different threshold than those in the UK.

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. Holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

5.2 Agency and third-party staff (supply staff)

The Group **MUST AND WILL** obtain written notification from any agency, or third-party organisation, that they have carried out the same checks that the College Group would otherwise perform, on an individual who will be working within the College Group or who will be providing education on the school or college's behalf, including through online delivery). In respect of the enhanced DBS check, the Group **MUST AND WILL** ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work within the Group, which has disclosed any matter or information, or any information was provided to the employment business, the Group **MUST AND WILL** obtain a copy of the certificate from the agency.

Where the position requires a children's barred list check, this **MUST AND WILL BE**

obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

The Group will also check that the person presenting themselves for work is the same person on whom the checks have been made.
The use of agency or third-party staff does not remove the Group's responsibility to ensure appropriate safeguarding arrangements are in place.
The Group and the supplying organisation will maintain clear arrangements regarding the safeguarding responsibilities of each party.

For safeguarding checks in relation to contractors and visitors, please refer to the Visitors, Contractors and Commercial Delegates Procedure (ref: BAC-SS-05) or for further information, please contact the Designated Safeguarding Lead/Executive Director of People.

Similarly, managers may receive requests for vetting information about organisational staff who are engaged in activities with learners from partner organisations e.g., staff working with Pre-16 learners from local schools. Any such requests should be referred to HR who will require a list of affected staff and will be able to confirm the relevant information to the partner organisation.

5.3 Contractors

Where the Group use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the Group.
The Group will ensure that any contractor, or any employee of the contractor, who is to work within the Group, has been subject to the appropriate level of DBS check.
Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).
For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, the Group may decide on whether a basic DBS disclosure would be appropriate or supervision.

Under no circumstances will a contractor on whom no checks have been obtained be allowed to engage in regulated activity relating to children. The Group will be responsible for determining the appropriate level of supervision depending on the circumstances.

If an individual working for the College Group is self-employed, the College will either obtain a DBS check, or request to see the certificate if the self-employed person has obtained their own check and ensure that the DBS check is at the level required.
The Group will check the identity of contractors on arrival at the College.

5.4 Trainee/student teachers

Where applicants for initial teacher training are salaried by the Group, the Group **MUST AND WILL** ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) **MUST AND WILL BE** obtained.
Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The Group will obtain written confirmation from the provider that it has carried out all pre-appointment checks that the Group would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

5.5 Visitors

The Group have different types of visitors, those with a professional role i.e., educational psychologists, social workers etc. those connected with the building, grounds maintenance, learner's relatives or other visitors attending an activity in college such as pantomimes.

The Group will not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as learner's relatives or other visitors attending a pantomime.

The Group will use their professional judgment about the need to escort or supervise such visitors.

For visitors who are there in a professional capacity, the Group will normally check

ID and be assured that the visitor has had the appropriate DBS check depending on the activity that they are carrying out (or the visitor's employers have confirmed that their staff have appropriate checks).

Whilst external organisations can provide a varied and useful range of information, resources and speakers that can the college enrich education, careful consideration will be given to the suitability of any external organisations/speakers.

Consideration should be given to individuals coming onto Group premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required. This will be normally be done through the appointment of new supplier checks or the Guest Speaker Policy.

5.5 Volunteers

Regular or overnight volunteers

The Crime and Policing Act 2026 made changes to regulated activity, meaning that any person volunteering in a school or college in a role that involves teaching, training, instructing or supervising children frequently or on more than 3 days in a 30-day period or overnight is now in regulated activity. Where this applies, the College Group should and will obtain an enhanced DBS check with children's barred list information.

Where an individual meets the period condition (more than 3 days in a 30- day period) by volunteering at multiple settings, the College Group should work with the other settings to decide who should apply for the enhanced DBS check with barred list information, and that information should then be supplied by the individual to each setting. Volunteers may also choose to join the DBS Update Service at the point that a DBS check is applied for. This is free for volunteers and allows portability of a DBS check across different education settings

Volunteers not in regulated activity

Under no circumstances should a volunteer on whom no checks have been obtained be allowed to work in regulated activity.

Whilst volunteers play an important role and are often seen by learners as being safe and trustworthy adults, the nature of voluntary roles varies, so the Group will undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

The risk assessment will consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

Details of the risk assessment will be recorded.

5.6 When a DBS with barred list will be obtained for volunteers

The Group will obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are working in regulated activity with children, i.e., where they teach or look after children regularly or provide personal care on a one- off basis within the Group.

5.7 Existing volunteers

Volunteers engaging in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information) unless the Group have any concerns.

5.8 Corporate Board/Governors

Governance is not a regulated activity relating to children, so governors do not

need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.

The Group will request an enhanced DBS for Governors, with a barred list if required.

5.9 Adults who supervise children on work experience

The Group when organising work experience placements will ensure that the placement provider has policies and procedures in place to protect children from harm.

Health and safety expectations for employers hosting young people on work experience can be found here: Young people at work: Work experience - HSE

If the person providing the teaching, training, instruction or care or supervision to the child on a work experience placement or activity will be doing so frequently or for more than three days in a 30-day period, or overnight, this is a regulated activity. You must not allow someone on the barred list to take part in regulated activity.

Other individuals in the workplace who are not involved in teaching, training, instructing or caring for or supervising the child on a work experience placement or activity are not in regulated activity.

The Group are not able to request that a work experience provider obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience

Activity undertaken by a person aged 16 plus on work experience which takes place in a 'specified place, such as a school or sixth form college, and gives the opportunity for contact with children, may itself be considered to be regulated activity relating to children. In these cases, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced check should be requested for the child in question. DBS checks cannot be requested for children under the age of 16.

5.10 Private fostering - LA notification when identified

Private fostering occurs when a child under the age of 16 (under 18 for children with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of college staff through the normal course of their interaction, and promotion of learning activities, with children.

Where the arrangements come to the attention of the Group (and the Group is not involved in the arrangements), they should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. If the Group are involved (whether or not directly) in arranging for a child to be fostered privately they **MUST AND WILL** notify local authorities of the arrangement as soon as possible after the arrangement has been made. Notifications **MUST AND WILL** contain the information specified in Schedule 1 of The Children (Private Arrangements for Fostering)Regulations 2005 and **MUST AND WILL** be made in writing.

6.0 How to ensure the ongoing safeguarding of children and the legal reporting duties on employers

This section explains the importance of safeguarding vigilance beyond the recruitment process.

Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from governing bodies, managers and all staff to ensure the safety and welfare of learners is embedded in all of the organisation's processes and procedures and consequentially enshrined in its ethos. See Parts one and two of the Keeping Children Safe in Education guidance for information about providing a coordinated Group approach to safeguarding.

Ongoing vigilance

The Group has processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

To support this, it is important that the Group creates the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of learners. This can assist employers to support staff, where there is a need, and help them manage a learner's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard learners in their care.

6.1 Existing staff

There are limited circumstances where the Group will need to carry out new checks on existing staff and volunteers. These are when:

- an individual working or volunteering within the Group moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity **MUST AND WILL** be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

An individual moving from a position that did not involve the provision of education to one that does**, MUST AND WILL** be treated as if that individual were a new member of staff and all required pre- appointment checks **MUST AND WILL** be carried out

The Group reserves the right to renew these checks whenever it sees fit and aims to do renewals every 5 years. There may be limited circumstances where checks will be done more regularly.

6.2 Receiving a criminal record/ conviction whilst in employment at the Group

Ongoing awareness during employment is vitally important in order to protect children/learners. The Group requires employees to disclose to the Executive Director of People, details of any criminal charges or convictions acquired during the period of employment with the Group. The Group undertakes to treat any information provided on a confidential basis.

Failure to disclose any such criminal charges or convictions may be deemed to be gross misconduct and lead to summary dismissal. The Group undertakes to discuss any such criminal charges or convictions with the employee before reaching a decision about any action to be taken.

Receiving a criminal record whilst employed at the Group does not automatically mean that the employee cannot continue in their role.

Where necessary, any action deemed necessary by the Organisation as a result of an employee receiving a criminal charge or conviction will be pursued with reference to the relevant provisions within the Organisation's Disciplinary Procedure (ref: BAC-HR-1-01).

6.3 Duty to refer to the Disclosure and Barring Service

There is a legal requirement for the Group to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults,
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

This duty applies equally to paid staff and volunteers where they were engaged in regulated activity.

The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on Making barring referrals to DBS - GOV.UK

Referrals will be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it

relies on the quality of information provided to them.
When an allegation is made, an investigation will be carried out to gather enough evidence to establish if it has foundation, and the College Group will ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on GOV.UK.

For further information, please see the Policy on Safeguarding concerns and allegations made about staff, including supply teachers, volunteers, trainee teachers and contractors (including low-level concerns).

6.4 Duty to consider referral to the Teaching Regulation Agency

Where a school or sixth form college teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **MUST** consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The College will continue to have regard to their duties under the PSED

The Group **WILL** make a referral where relevant.

The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

7.0 Secure Storage, handling use, retention and disposal of Disclosure information

Disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those entitled to see it as part of their duties.

Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The Group will maintain a record of all those to whom disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.

Once a recruitment decision has been made the Group will not retain disclosure information for longer than is absolutely necessary. The usual conditions regarding safe storage and strictly controlled access will prevail.

Once the retention period has elapsed, the Group will ensure that any disclosure information is immediately and suitably destroyed by secure means i.e., by shredding or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle. The Group will not keep any photocopy or other image of the disclosure or representation of the contents of a disclosure. However, notwithstanding the above, the Organisation will (as required by law) keep a record of the date of issue of a disclosure, the name of the employee, the position for which the disclosure was requested, the unique reference number of the disclosure the details of, the name of the person recording the Disclosure and whether the DBS was clear or contained further information.

For further information, refer to the DBS code of practice.

8.0 The Sexual Offences Act 2003

The Sexual Offences Act 2003 makes it a criminal offence for a person in a position of trust to engage in any sexual activity with a person aged under 18 with whom they have a relationship of trust, irrespective of the age of consent and even if the basis for their relationship is consensual. A relationship of trust exists where a member of staff or volunteer is in a position of power or influence over a learner by virtue of the work or nature of the activity being undertaken. For further information, please refer to the Relationships at Work Policy (ref: POL-HR-07) available from the HR Department or staff portal.

9.0 Concerns about the level of check requested

Where any person subject to a DBS/Barred List check has any concerns about the level of check which is being requested, they should speak to the Executive Director of People.

10.0 DBS Filtering rules

The Group would like to make all applicants aware of the new DBS filter rules and the list of offences that will always be disclosed on a criminal record certificate. For further

information on these, please go to the DBS website.

11.0 Staff Training

All members of staff at the Group will receive information about safeguarding and child protection as part of their induction, including Part One of KCSIE, before or as soon as practicable after commencing employment. Staff will also be expected to take safeguarding training within the first six weeks of taking up their position. This training will be updated on a regular basis and general awareness updates will be given at least annually. Where it is felt appropriate, staff will be encouraged to do additional training.

All members of the safeguarding team will be trained in safeguarding to a minimum of Safeguarding Process training/level 2 and this will be updated regularly, normally no less than every two years. Where necessary, the safeguarding team will receive additional safeguarding training.

All Human resources staff are expected to attend Safer Recruitment Training through the Durham Safeguarding Children Partnership (DSCP) or other relevant safeguarding training

Contact Information

For questions or feedback regarding this policy, please contact:

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