

DISCLOSURE & BARING SERVICE (DBS) POLICY

EDA COLLEGE

POLICY RELATING TO CRIMINAL RECORD CHECKS FOR STAFF AND STUDENTS

1 Introduction

EDA College is a Higher Education Institution and, as such, is not generally required or entitled to undertake criminal record checks on its staff and students. However, many of its students are enrolled for courses in which they are regularly in sole charge of persons under 18 or vulnerable adults. A number of its staff may also come into prolonged contact with children or vulnerable adults in the course of their work particularly where they are assessing the work of students on placement. The college will therefore undertake DBS or status checks to ensure legal compliance with the Police Act, Rehabilitation of Offenders Act, Protection of Children Act etc. on the appropriate applicants, students or staff.

The college obtains Enhanced DBS Certificates (plus a check of the DBS 'barred lists') for all staff and students who come into the above categories.

2 Relevant Categories

Applicants to the following courses are required to have enhanced DBS Clearance prior to entry or prior to placement (as indicated below):

All courses leading to Qualified Teacher Status (prior to entry) Early Years (prior to placement)

Counselling (prior to entry - except for minor routes on Joint Honours programme) Youth Work (prior to placement)

Youth Ministry (prior to entry)

Working with Children, Young People and Families (prior to placement) Nursing and Physiotherapy Programmes (prior to entry)

Other courses may be added to this list as necessary.

If a student transfers from a course outside of this list to a course listed above that required an enhanced DBS prior to entry or placement they should understand that a conviction may prevent them from being admitted to the transferred course which did not apply to the course that they were previously enrolled on.

Students for other programmes may be required to gain DBS certification if they intend to go on placement within a school or other regulated environment.

Outside of the scope of this policy:

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If a student on a regulated course does not have a criminal record on entry but acquires a criminal record while enrolled on the programme, this will be dealt with under the Fitness to practise Policy in accordance with the General Academic Regulations.

Applicants to the following staff posts will be required to undergo an enhanced DBS check before appointment:

Academic staff teaching on any of the above courses. Failing to provide a specimen for analysis

Driving without due care and attention Drunk and Disorderly

Being Drunk at a sporting event Using a vehicle while uninsured

In charge of a mechanically propelled vehicle whilst unfit through drink Possession of a class C drug

Other minor offence more than 10 years old

Disclosures involving violence, repeated or more serious offences will be submitted by the Chair and Secretary of the Internal Safeguarding Panel for clearance (see below).

2.1 Staff Applicants

The college's policy on the Recruitment of Ex-Offenders is attached as Annex 2.

Where it is necessary to obtain DBS certificates for staff, the HR will be responsible for obtaining the certificates and for clearing staff applicants where no offence is revealed or an isolated one-off offence, if any.

All other offences will be brought to the attention of the Appointments Panel who will take them into account only after the initial appointment decision on merit has been made. In considering the relevance of criminal convictions, the Appointments Panel will take into account the nature of the post, the number, nature and seriousness of the offences and the passage of time since the offences were committed.

3 Internal Safeguarding Panel (for the consideration of student applicants and enrolled students)

Membership:

- Principal (Chair)
- Senior member of staff
- An external member who has experience of working in a regulated environment
- The Admissions Lead

Students/applicants will be invited to submit a written explanation of the circumstances surrounding

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the offences on the Disclosure. The Panel will consider the explanation and may consult with partnership schools (without revealing confidential information) before deciding whether to clear the student for admission/ placement.

Where the Panel is not able to clear an applicant, the Admissions Office will be informed and the applicant will be deemed not to have met the conditions of entry. Where the Panel is not able to clear the Disclosure of a current student, the Placement Co-ordinator will be advised and placement in a non- regulated environment considered.

4 Confidentiality

All decisions taken in accordance with this policy are strictly confidential and all procedures will comply with requirements of the Disclosure and Barring Service (DBS) for the use of disclosure data.

5 Repeat Disclosures

The college does not require students or staff to undergo further DBS disclosure unless students transfer to another (relevant) course, suspend for more than six months or a member of staff is appointed to another (relevant) post. However, students or staff who are subject to a requirement for a Disclosure and who commit offences after the DBS check must notify the college Principal. Students who are on professional programmes and who fail to report offences will be subject to the principal's Fitness to Practise procedure.

6 Appeals

An applicant or student has the right of appeal to the Vice-Chancellor against decisions made by the college in relation to DBS clearance.

Version Control

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ANNEX 1

SECURITY POLICY COVERING THE HANDLING, SAFEKEEPING AND DISPOSAL OF DBS DISCLOSURE INFORMATION

Disclosure information will be stored under separate, secure, lockable conditions only within:

- Registry
- HR Department

Disclosure information will not be kept in staff or student main files.

Disclosure information will be stored for a maximum of six months unless a dispute has been raised. It will then be shredded and disposed of as confidential waste. The college will keep a record of the date of the Disclosure, the name of the subject, the programme/post in question, the unique number of the Disclosure and the recruitment decision taken in order to prove that the check was undertaken.

Access to the Disclosure information will only be available for a limited number of staff within the areas above and details of the information will only be shared with other staff involved in the recruitment and vetting process.

Any Additional Information on the Disclosure, including information as to its existence, will not be revealed to the subject of the Disclosure.

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ANNEX 2

EDA COLLEGE POLICY ON THE RECRUITMENT OF EX-OFFENDERS

This policy outlines EDA College policy on the recruitment of staff and students with criminal convictions

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the Act. EDA College requires applicants, staff and students, to disclose 'unspent' criminal convictions as part of their application procedure but will only undertake DBS checks where the post is eligible under the Rehabilitation of Offenders Act 1974 Exceptions Order and as amended by subsequent legislation.

EDA College will not unfairly discriminate against an applicant on the basis of convictions and will make an object assessment of the situation based on the programme or post applied for, the gravity and age of the offence and the risk to other students and staff.

Where the post or programme requires an individual to work within a regulated environment, an applicant will be informed of the requirement to undertake a DBS check and attention drawn to the college's DBS policy posted on the website. Staff or students not cleared following the DBS check will not have their conditional offer of employment or student place confirmed.

Students or staff who are subject to a requirement for a Disclosure and who commit offences after the DBS check must notify the Principal or the Director of HR. Students who are on professional programmes and who fail to report offences will be subject to the college's Fitness to Practise procedure.