

LINCOLN COLLEGE

**SAFER RECRUITMENT POLICY AND
ASSOCIATED PROCEDURES**

POLICY HR/PO/13

SPONSOR

Group Director of Human Resources

Equality and Diversity Statement

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

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SAFER RECRUITMENT POLICY AND ASSOCIATED PROCEDURES

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SAFER RECRUITMENT POLICY AND ASSOCIATED PROCEDURES

1 PURPOSE

The purpose of this policy is to ensure that Lincoln College complies with the procedures and regulations relating to Safer Recruitment and any other relevant legislative requirements.

2 AIMS

The aim of this policy and associated procedures is to detail the relevant legislation applicable and checks that are required for any individual working for Lincoln College, to ensure that they are suitable to work within our learning environment.

These safer recruitment checks are in place to:

- **Deter** unsuitable people who have behaved or may have behaved in a way that indicates they may not be suitable to work with children and young people from seeking employment or opportunities to volunteer
- **Reject** applications from unsuitable people
- **Prevent** abuse and neglect of children by staff and volunteers
- **Identify** incidents of abuse and neglect by staff and volunteers.

Lincoln College undertakes not to discriminate unfairly against the subject of Disclosure information on the basis of conviction or other details revealed.

Lincoln College actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates, including those with criminal records. All candidates are selected for interview based upon their skills, qualifications and experience listed within their application.

3 INTRODUCTION

Safer Recruitment is about more than obtaining a satisfactory criminal record check. It is about attracting the right candidate for the post and ensuring that the information a candidate has given on their application form is consistent, can be verified and is accurate.

[Keeping Children Safe in Education](#) statutory guidance states that *'It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges'*¹.

KCSIE also provides the legal requirements that governing bodies and proprietors need to understand when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out with the aim of helping to *'Identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher)*².

Having safer recruitment practices in place can also help to assess whether the candidate has the right attitudes, values and behaviours to work with young people.

¹ Paragraph 189, Page 47 – Keeping Children Safe in Education September 2021
² Paragraph 221 Page 52 – Keeping Children Safe in Education September 2021

Safer Recruitment is embedded into the Lincoln College recruitment process to ensure the following:

- Students are able to learn and thrive in a safe environment
- Statutory responsibilities are adhered to
- Appropriate staff are appointed for the job they do
- Recruited staff and volunteers are the best in their field.³

This policy, along with the Lincoln College Recruitment and Selection Code of Practice, describes in detail the recruitment processes and the checks which are in place to help deter, reject or identify people who are unsuitable to work within our learning environment.

Our Safer Recruitment practices cover:

- Training to ensure that all managers involved in the recruitment process are aware of their responsibilities with regards to safer recruitment practices
- Information available to candidates to help deter those that are unsuitable from applying and to ensure those that are successfully appointed are clear on the culture of safeguarding and its importance within Lincoln College
- Safer Recruitment Checks – References, DBS, Criminal record check of overseas applicants (if applicable), Prohibition Checks and Right to Work in the UK.

4 SAFEGUARDING AND PREVENT TRAINING

4.1 Safeguarding Induction and Refresher Training

In line with the Keeping Children Safe in Education statutory guidance, all staff undergo mandatory safeguarding training at induction including online safety⁴. This safeguarding training is in line with advice from the local three safeguarding partners and is updated every two years as an eLearning activity.

The completion of safeguarding training is recorded on the Single Central Record (SCR).

The safeguarding training undertaken is dependent on the new starter's role at the college⁵.

To ensure that all new staff members are aware of systems within Lincoln College, which support safeguarding, all new starters⁶ receive the following information, in addition to safeguarding induction training:⁷

- A copy of the Safeguarding Policy⁸
- A copy of the LC Safeguarding Handbook (this include information on the identity of the designated safeguarding lead and any deputies)
- A copy of the Staff Code of Conduct
- A copy of the Keeping Children Safe in Education statutory guidance (Part One).⁹

In line with Keeping Children Safe in Education statutory guidance, all new starters are also directed to the [Learner Conduct Procedure](#) and [Safeguarding Policy and Procedures](#) so that they are aware of the safeguarding response to learners who go missing from education. Policies referred to in Keeping Children Safe in Education are also included in both the HR Induction and

³ As advised in the iHasco – Safer Recruitment Training 2021

⁴ Paragraph 14, Page 9 - Keeping Children Safe in Education September 2021

⁵ Training conducted is based on advice from Irwin Mitchell on behalf of the AoC – Email 11.10.18

⁶ This is inclusive of FER and external agency workers, governors, Dean's employees etc. If it is decided that any temp or directly employed member of staff is not required to complete the training, for example because they absolutely do not come into contact with learners, then a record should be kept setting out the reasons why it was considered such training was not required. This record should be kept on the relevant section of the SCR i.e. safeguarding field for perm employees or relevant paper file.

⁷ Paragraph 13, Page 8 - Keeping Children Safe in Education September 2021

⁸ Sent out with invite to interview and as part of the new starter induction email (as of 1 November 2018) and is also available for download from the College website.

⁹ Last 3 bullet points sent out by HR Assistant (SD) – usually the day before the employees start date.

Line Managers checklists for permanent employees to ensure that new starters are aware of key policies.

If any changes are made to Keeping Children Safe in Education or the Lincoln College Group safer recruitment practices, managers are notified by the circulating of the relevant document for information.

4.2 Safer Recruitment Training

It is a mandatory requirement¹⁰ that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training¹¹. At Lincoln College any manager/supervisor Chairing an interview must have completed Safer Recruitment Training before they are authorised to Chair an interview, in addition to our in-house recruitment and selection training which enables them to 'chair' an interview.

Safer recruitment training¹² is included as mandatory on all new managers induction programmes and staff who are involved with the recruitment and employment of staff to work with children will be required to undertake a refresher course in Safer Recruitment every 3 years.¹³

Prior to an interview taking place, the HR Assistant will check the Safer Recruitment Training records to ensure that the Chair has completed this training. If the Chair has not completed the training then the HR Assistant will contact the HR Assistant (SD), who will then contact the Chair directly and arrange for this training to be completed.

Unless authorised by a member of ELT, the HR Unit will not issue the Chair of the Panel with their interview pack until confirmation has been received that the Chair has completed the above training. It is the responsibility of the Chair to seek approval from the relevant ELT member if they are unable to complete this training prior to the Chairing of an interview.

The safer recruitment training covers the following:

- Laws, Policies and Procedures Surrounding Recruitment in Education

This section looks at the background to safer recruitment, including the relevant laws and the policies and procedures that are needed in educational settings.

- Pre-Employment Checks.

This section details the checks that should be done to ensure a person is who they say they are, have the references and employment history they say they have and are not barred from working with children or prohibited from teaching. It includes DBS criminal records checks and using the Government Employer Access Online Service check.

- Employees and Volunteers

This section considers anyone who may work in a school or college and the level of DBS check they require. It includes supply teachers, contractors and volunteers.

- Induction and Probation Period

The safer recruitment process does not just stop when an applicant takes the job. It is important to follow up with a rigorous induction and probationary period to check the right person has been appointed. This section also looks at creating and maintaining an entire culture of safety within an organisation and includes what to do if you have any concerns.

¹⁰ Effective from 1 January 2018

¹¹ Paragraph 190, page 47 - Keeping Children Safe in Education September 2021

¹² As of 1 November 2018

¹³ As of November 2021

- Concerns and Disciplinary Procedures

This section details the responsibility to report a criminal offence to the police or, if it's a child protection issue, inform social services. It also details the legal duty in relation to referring individuals to the DBS who have harmed, or may harm a child or vulnerable adult.

- Creating a Safe Culture

This section is a reminder that on-going vigilance is vital and for this, organisations need to create an entire culture of safety within their organisation. The section provides nine points that organisations should follow to achieve this, for example having clear safeguarding policies and procedures and ensuring that all staff and volunteers are aware of them and understanding them and taking all concerns seriously and providing support to people raising them.

- The Safer Recruitment Process

Finally, this section brings everything together and provides a 14-step guide to the safer recruitment process. At each step it reminds you of the relevant safety points at that stage.

4.3 Prevent Training

Keeping Children Safe in Education statutory guidance states, '*prevent duty should be seen as part of schools' and college's wider safeguarding obligations*'¹⁴. All new starters complete [HM Government eLearning training on Prevent](#). A link to this training is emailed to new starters prior to their start date and it is expected that all new starters complete this prior to their first date of employment or within their first 2 days.

This training offers an introduction to the Prevent Duty, and explains how it aims to safeguard vulnerable people from being radicalised to support terrorism or becoming terrorists themselves. It provides an important foundation on which to develop further knowledge around the risks of radicalisation and the role that employees can play in supporting those at risk. The training addresses all forms of terrorism and non-violent extremism, including far right wing and Islamist extremism threatening the UK.

The eLearning training that all new starters complete has been developed by HM Government following consultation with a range of individuals and organisations.

The training enables our teachers and others supporting delivery of the curriculum to use opportunities in learning to educate and challenge. It also allows our leaders and teachers to exemplify British values in their management, teaching and through general behaviours in the further education curriculum.

Staff are required to undertake a refresher course in Prevent training every 3 years.¹⁵

4.4 Mental Health Awareness Training

As an organisation we recognise that our college has a responsibility to create an environment that promotes and proactively supports staff and student wellbeing, as part of this commitment we have signed up to the national Mental Health and Wellbeing Charter, created by the Association of Colleges, in conjunction with mental health experts.

All staff will be required to undertake the Stress Awareness and Management iHasco Training course, designed to take positive steps to help identify and prevent stress at work. Staff are also required to undertake Mental Health Awareness classroom-based training¹⁶.

¹⁴ Page 133 - Keeping Children Safe in Education 2021

¹⁵ As of 01.11.19.

¹⁶ Paragraph 41-45, page 14 - Keeping Children Safe in Education 2021

The requirement to undertake such training is to ensure that Staff are able to make the link between mental health concerns and safeguarding issues and signpost guidance as appropriate.

Staff are required to undertake a refresher course in Mental Health Awareness every 3 years.¹⁷

5. POST REQUEST FORM PROCESS

Managers must submit a Post Request Form (PRF) to initiate the approval process to recruit, a PRF should be submitted in all instances i.e. new and replacement posts. PRF's should be submitted via email to hrrecruitment@lincolncollege.ac.uk, the HR Assistant Recruitment will then seek the relevant ELT Lead authorisation to recruit.

Posts not in budget will not be authorised without follow up, justification or an offset. The HR Assistant Recruitment will send a copy of PRF's that are not in budget to Finance and Executive Administrator (Estates and Finance) for information and action as appropriate.¹⁸

6. INFORMATION AVAILABLE TO CANDIDATES

As well as providing information to applicants regarding the role and the recruitment process, it is also important to remember that information provided to applicants is a key tool in ensuring a safer recruitment process. Information available to potential applicants can ensure that the right message is sent out with regards to the Safeguarding culture within the organisation.

It is important to include background information on the organisation as this provides an insight into the needs of Lincoln College and provides an opportunity to highlight specific characteristics of the organisation that candidates need to be aware of e.g. beliefs and guiding behaviours and aspects of diversity and safeguarding culture. Providing such information, supplies suitable applicants with a clear image of the Lincoln College Group. A variety of information to show our commitment to safeguarding is therefore provided for candidates throughout the recruitment process.

6.1 The Advert and Website

Information provided to applicants (as part of the [Jobs](#) area of the Lincoln College website) explains the checks that are in place as part of the Lincoln College recruitment process (such as a DBS check) and that if the applicant is shortlisted then any discrepancies or anomalies in the information provided as part of their application form, will be disused further as part of their interview.

Each advert also includes the following safeguarding statement and informs candidates to view the dedicated [Safer Recruitment](#) page on the Jobs area of the Lincoln College website to ensure that they are fully informed of the checks that are required as part of the recruitment process¹⁹.

Advert Safeguarding Statement:

'Lincoln College is committed to the safeguarding of its learners and believes that safeguarding and promoting the welfare of children is every employee's responsibility. Further information can be found via the following link - www.lincolncollege.ac.uk/jobs/safer-recruitment/

6.2 The Job Description and Person Specification

As safeguarding is a responsibility shared by everyone, it is important that this is reflected within job descriptions and person specification documents.

¹⁷ As of November 2021

¹⁸ As of 11 November 2021

¹⁹ Paragraph 193, page 48 – Keeping Children Safe in Education – September 2021

When a vacancy is first identified – whether a new or existing post – the first priority is to review the job description and person specification to ensure they accurately describe the role and attributes required. This should include explicit reference to expectations in respect of safeguarding; responsibility and opportunity for contact with children in the role; attitude, motivation for working with and values towards children and young people and any specific duties in relation to the College’s safeguarding responsibilities.

A safeguarding related statement should be included within all Lincoln College job descriptions:

To be responsible for the safeguarding and promoting the welfare of children wherever applicable within the role.

Reference to safeguarding must also be made in relation to the person specification, as a minimum the following statement should be included within the person specification,

‘Responsibility for safeguarding and promoting the welfare of children wherever applicable.’

6.3 Application Form

The following statement is included on the Lincoln College application form to make applicants aware of its commitment to safer recruitment:

Lincoln College is committed to the safeguarding of its learners and believes that safeguarding and promoting the welfare of children is every employee’s responsibility.

Safer Recruitment is embedded into the Lincoln College recruitment process to ensure the following:

- Students are able to learn and thrive in a safe environment
- Statutory responsibilities are adhered to
- Appropriate staff are appointed for the job they do
- Recruited staff and volunteers are the best in their field.

The Lincoln College Safer Recruitment Policy describes in detail the recruitment processes and the checks which are in place to help deter, reject or identify people who are unsuitable to work within our learning environment. A copy of this can be downloaded from our website, or a copy can be made available on request from the HR Unit. Should your application be successful, your offer of employment will be subject to satisfactory safer recruitment checks. These checks will include a DBS Check, reference check, Prohibition Check, overseas criminal record check (if applicable) and an identity document check to ensure that you have the Right to Work in the UK.

Applicants are then requested to provide authorisation, confirming that they are happy to consent to those checks taking place.

The following statements are also included in this section of the application form to inform candidates of the checks that will be undertaken, the Lincoln College commitment to the prevent duty, and to inform them that it is an offence to provide false information during any part of the recruitment process:

Employee References Section

All offers of employment are subject to receipt of satisfactory references. Referees will be contacted once a provisional offer of employment is made.

Please name two people who may be approached for a reference in respect of your application. If you are/have been employed, both references must be employment references, with the first

reference being your current/most recent employer. References will not be accepted from relatives or from people writing solely in the capacity of friends.

Please note that there may be certain instances when more than two references are required. For example, if a candidate for a post requiring a specific qualification (e.g. Lecturer, Finance) is not currently employed in that vocational role, the HR Unit in conjunction with the appointing manager, may decide to request further references from the organisation at which the candidate was most recently employed in a similar role to confirm details of their employment and their reasons for leaving.

Lincoln College reserve the right to contact referees directly to discuss information provided in references and clarify a candidate's suitability to fulfil the requirements of the role.

If you have applied for a vacancy within the last 12 months, reference information may already be listed directly below. Please review and, if necessary, update these details by selecting Edit. Once you have finished editing any pre-existing information, please select Save and Continue.

To select your second referee, click on the Add button.

DBS Check Declaration

I hereby give consent to Lincoln College to check my DBS status should I be successful in my application, by either requiring the completion of an Enhanced DBS application (including Child and/or Adult barred list check where applicable) or if I am already a registered member of the Update Service, by undertaking an online check of my information.

Secretary of State Prohibition Orders

I hereby give consent to Lincoln College to conduct a Prohibition from Teaching Check (if deemed applicable to my role) via the NCTL secure access checking service, should I be successful in my application.

Right to Work in the UK

I confirm that I have the legal right to work in the UK and give my consent to an identity document check taking place, to ensure that Lincoln College have completed their statutory duty in line with government legislation. For further information please visit – <https://www.lincolncollege.ac.uk/jobs/safer-recruitment/>

Prevent Duty and British Values

Lincoln College is committed to Prevent Duty and promoting British Values within the workplace. On offer of employment, new starters are required to complete HM Government eLearning training on Prevent, in addition to mandatory safeguarding training. For further information on the Prevent Duty training please visit: www.elearning.prevent.homeoffice.gov.uk/ . For further information on the Prevent Duty please visit - <https://www.gov.uk/government/publications/prevent-duty-guidance>

Declaration Section

I declare that to the best of my knowledge, the information contained on this application is accurate.

I understand that should my application be successfully shortlisted, any discrepancies or anomalies (For example, gaps in employment or reasons for leaving employment) in the information provided as part of this application form, will be discussed further as part of their interview process.

I understand that should my application be successful and it is discovered subsequently that information has been falsified, then disciplinary action may be taken which may include dismissal from the post. I give my consent to Lincoln College processing my personal data (including special categories of personal data) for the purposes stated below.

I also confirm that I am not on the Child or Adult barred list, disqualified from working with children, subject to a prohibition from teaching order or subject to sanctions imposed by a regulatory body.

General Data Protection Regulation (GDPR)

As part of any recruitment process, the organisation collects and processes personal data relating to job applicants (includes workers, contractors, volunteers and interns). The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. Our Recruitment and Selection Privacy Notice can be viewed/downloaded from our website via the following link -

<https://www.lincolncollege.ac.uk/privacy-policy> and then by selecting Job Applicant Privacy Notice from the Downloads section.

Data Controller: Lincoln College, Monks Road, Lincoln, LN2 5HQ

Data Protection Officer: Sarah Adams (Clerk to the Corporation) – dpo@lincolncollege.ac.uk

6.3.1 Acceptance of CV's

Schools and colleges should not accept copies of curriculum vitae in place of an application form.²⁰ A CV will be structured to provide only the information the applicant chooses to provide, whereas the application form provided through the Lincoln College recruitment process, asks applicants to demonstrate how they are able to meet the requirements of the person specification and job description for the post/role. The application form also ensures that applicants provide details of references and a complete employment history, as well as asking candidates to declare any convictions and consent to a DBS check and other safer recruitment checks, if successfully appointed.

On the rare occasion that a CV is accepted, for example as a reasonable adjustment for a disabled applicants or for hard to recruit to positions as defined by Lincoln College, the applicant will be supported by our HR Assistant in Recruitment to complete our application form to ensure full employment history is provided, exploring gaps in employment, reasons for leaving etc.

6.4 Appointed Candidate

As part of the recruitment process, appointed candidates are given the following²¹:

1. Lincoln College Safeguarding Policy
2. Lincoln College Safeguarding handbook
3. Lincoln College Safeguarding questions
4. Staff Code of Conduct
5. Keeping Children Safe in Education statutory guidance
6. Link to Safeguarding eLearning
7. Link to HM Government Prevent training

7 SHORTLISTING

Once panel members have completed their shortlisting, against the person specification criteria and in line with the Lincoln College Recruitment and Selection Code of Practice. Panel members should then ensure that they scrutinise all shortlisted candidates' applications carefully. The

²⁰ Paragraph 197, Page 49 – Keeping Children Safe in Education September 2021

²¹ Paragraph 13, Page 8 - Keeping Children Safe in Education September 2021

shortlisting panel will consist of at least two people, where possible it will be the same people whose responsibility it will be to carry out the interview for a consistent approach.²²

When scrutinising applications, panel members should be vigilant in identifying:

- Any inconsistencies
- Application forms that have not been completed fully
- Any gaps in the applicant's employment history or other information that need to be explored further at interview such as reasons for leaving where this is not disclosed or states 'other'.

The Chair should also complete the declaration on the shortlisting paper work.

I confirm that I have checked the shortlisted candidate/s application form/s for any unexplained gaps in employment and that any gaps in employment will be explored with the candidate/s at interview.

I confirm that I have checked that the shortlisted candidate/s application form/s states their reason for leaving (i.e. Resignation, redundancy) on all previous employment listed. If not, or they have stated 'Other' I will obtain their reason for leaving as part of the interview process.

7.1 Candidates that have Declared Convictions

Panel members should be aware that it is discriminatory to use disclosed information for the purposes of shortlisting. Criminal background self-disclosures should not be considered by the short-listing panel until the short list has been agreed and self-disclosures should therefore only be considered for short listed candidates.

Once the final shortlist has been agreed, the application forms of the shortlisted candidates must be checked for details of any unspent criminal convictions under the provisions of the [Rehabilitation of Offenders Act 1974](#). Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview ²³.

If the post is exempt from the Act all previous convictions, whether spent or unspent, must be considered. The disclosure of any spent or unspent convictions does not automatically exclude the candidate from the selection process.

The suitability of that candidate for that particular post should be re-assessed with careful consideration given to the nature of the offence(s) in relation to the specific post applied for. In particular, the need to protect children, students and employees must be balanced against the College's commitment not to discriminate.

Panel members must bear in mind the need to maintain the confidentiality of any information disclosed by applicants concerning previous convictions.

Panel members must consult with the HR Manager before making any decisions regarding the withdrawal or otherwise of a particular candidate that has declared convictions on their application form, from the selection process. In the event that the panel members and the HR Manager decide that they are unable to proceed with a candidate's application, the reason for not shortlisting should be noted on the shortlisting form.

If the candidate concerned requests feedback as to why they weren't shortlisted, the Chair of the Panel should be advise them accordingly. The candidate should be assured that the information they provided has been treated with confidence and used only in connection with this particular application and does not bar them from obtaining other employment with the College.

²² Paragraph 202, Page 50 – Keeping Children Safe in Education September 2021

²³ Paragraph 200, Page 49 – Keeping Children Safe in Education September 2021

8 INTERVIEW PROCESSES

8.1 Exploring Gaps in Employment

Panel members should agree what additional questions the Chair of the Panel needs to ask of the candidate at interview, in respect of any gaps in employment.

Panel members should note down any responses that the candidate provides in relation to gaps within their employment history.

The Chair of the Panel should complete the declaration at the end of each interview question form to confirm that they have explored gaps in employment and are satisfied with the response provided by the candidate.

8.2 Exploring Reasons for leaving Employment

Panel members should agree what additional questions the Chair of the Panel needs to ask of the candidate at interview, in respect of exploring reasons for leaving provided by applicant where it may state 'other' or it is not disclosed.

Panel members should note down any responses that the candidate provides in relation to their reasons for leaving former employment.

The chair of the Panel should complete the declaration at the end of each interview question form to confirm that they have explored reasons for leaving and are satisfied with the response provided by the candidate.

8.3 Exploring Referees

Candidates should be expected to nominate their current employer as their first referee in order to secure the most recent information about the candidate's employment history, work performance and suitability for the post that is being recruited to.

If the candidate hasn't nominated their most recent or current employer as their referee, the recruiting managers should carefully explore with the candidate reasons for this, making it very clear that it may not be possible to proceed with an appointment without an opportunity to check the candidate's suitability for the role with their most recent employer.

Candidates may request that the recruiting manager delays requesting a reference from a current employer until a decision about making a conditional offer of employment has been made, in order to avoid any prospective repercussions of seeking alternative employment in the event that the candidate is unsuccessful in their application. Recruiting managers should be sensitive to such requests but should make it clear to candidates that references will be sought in due course and that it may be necessary to call them back for a further discussion about any issues arising from references before an offer of employment can be confirmed.

8.4 Exploring Declared Convictions

If panel members decide to shortlist a candidate that has declared convictions on their application form, then at interview, the college will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, for example if further details are revealed following the return of a DBS check, then this could lead to withdrawal of an offer of employment.

Panel members should agree what additional questions need to be asked of the candidate at interview in respect of information in their self-disclosure.

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

See [Employment of Ex Offenders](#) for further guidance.

8.5 Verifying a Candidates Identity

All candidates identity must be verified as part of the interview process. Candidates must provide original photographic ID, which will be verified by the interview panel and a copy taken.

8.6 Interview Questions on Safeguarding, Prevent and Equality, Diversity and Inclusion Opportunities

All candidates must be asked at least one question relating to Safeguarding, Prevent Duty and Equality, Diversity and Inclusion at interview. The type of questions will vary with the nature of the job. Example questions can be obtained from the [Recruitment & Selection - Interviewing](#) area of the T Drive.

8.6.1 Areas of Potential Concern

When assessing candidates' suitability to work with children and or vulnerable adults based on their responses in interview, panel members should be alert to the following areas of concern:

- No understanding or appreciation of the needs of children and/ or vulnerable adults
- Unrealistic/unreasonable expectations of children and/or vulnerable adults
- Candidate wanting the role to meet their own needs at the expense of the needs of children/ and or vulnerable adults
- Inappropriate language when talking about children and/ or vulnerable adults
- Unclear boundaries with children and/ or vulnerable adults
- Vagueness about their experiences and gaps in employment/ information
- Unable to provide any examples to support what they have written on their application form, at interview
- Reluctance/unwillingness to work as part of a team, comply with guidelines and/or within agreed frameworks/systems.

9 PRE-EMPLOYMENT RECRUITMENT CHECKS

Any offer of permanent employment is subject to satisfactory pre-employment checks. As part of the Lincoln College recruitment process, and in line the Keeping Children Safe in Education statutory guidance²⁴, the following checks are completed:

- Verify a candidate's identity
- Obtain an enhanced DBS certificate (including Child and/or Adult barred list information when applicable to the role)
- Conduct an online barred list check using the Teacher Regulations Agencies Employer Access service if an individual will start work in a role that requires a child and/or adult barred list check via a risk assessment, before the DBS certificate is available
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role
- Verify the person's right to work in the UK
- If the person has lived or worked outside the UK, make any further checks the college consider appropriate
- Verify professional qualifications, as appropriate.

In addition, the following checks must be undertaken as part of the recruitment process:

²⁴ Paragraph 213, Page 52 - Keeping Children Safe in Education September 2021

- Obtain satisfactory references from the candidate's most recent employer²⁵
- Conduct a prohibition from teaching check via the Secure Access/DfE sign in portal (Teachers services webpage).²⁶

9.1 References

Lincoln College follow [AoC guidance](#) ²⁷ in relation to obtaining employment references.

Following the acceptance of an offer of appointment the Human Resources Unit will take up references. All offers of employment will be subject to receipt of satisfactory references.

Under Data Protection legislation individuals are not entitled to have access to any reference given by the provider of the reference if it is given for the purposes of education, training or employment. However, the individual will be able to apply to a new employer, or potential employer, for a copy.

The employee can ask their new employer for a copy of the reference, but this is limited in that it does not allow the employee to automatically see a copy. It can however be disclosed to the employee if the former employer consents or it is reasonable to disclose without consent.

When requesting references, the college informs referees that successful candidates will have access to their own personal file and will, therefore, be able to see their references. If an individual request to see a reference received about them, the college will be obliged under the Data Protection Act, to provide access to it, subject to the paragraph above.

With regard to "sensitive" data, the individual's explicit written consent is required for disclosing matters.

The non-provision of a reference can be seen as an act of discrimination even where the employment relationship has terminated.

In giving and acting upon references, care should be taken to avoid acts of unlawful discrimination. This is particularly the case where opinions not based on any objective evidence are sought or offered on the suitability of applicants. Opinions should therefore be backed up by objective evidence.

9.1.1 Requesting References

All offers of employment are subject to receipt of satisfactory references.

The first reference will be from the present or most recent employer and a second from their employer prior in order to verify gaps in employment (Should the length of time since the previous employment be such that the business no longer exists, then a reference should be sought from the employment prior to that).

If the new starter is not currently working with children or in contact with children, then a reference should be obtained from the most recent employer where the person worked directly with children, or in contact with children. ²⁸

For example, if a candidate applying for a Lecturing post wasn't currently employed as a Lecturer, we would go to their last employer for a first reference and then also request a reference (using the first reference form) from the last place they were employed as a Lecturer.

Where possible the [First Reference Request Form](#) will be completed for first references and the [Second Reference Request Form](#) will be completed for second references.

²⁵ Paragraph 203 - 205, Page 50/51 - Keeping Children Safe in Education September 2021

²⁶ Paragraph 213, Bullet Point 9, Page 54 - Keeping Children Safe in Education September 2021

²⁷ References for Safeguarding Purposes, Page 4 – Employment References AoC Guidance 2018

²⁸ This change came into place for LCG from 1 February 2018. Prior to that first references were from the most recent employer, however a further first reference was not obtained from the last place that the employee was employed working directly with children, or in contact with children.

In the event that the referee is unable to complete the first reference form (for example due to organisation policy) then the HR Unit will endeavour to ensure that employment dates and any safer recruitment information is included within any first reference received.

If a reference is completed and returned electronically, then the HR Unit will ensure that the reference is emailed via a company email address. References submitted via a personal email address will not be accepted, unless the HR Assistant is able to verify the email address via another method i.e. confirming company information via [Companies house](#) or employer websites, in cases of smaller/local employers.

There may be certain instances when more than 2 references are required. For example, if a candidate for a post requiring a specific qualification (e.g. Lecturer, Finance) is not currently employed in that vocational role, the HR Unit in conjunction with the appointing manager, may decide to request further references from the organisation at which the candidate was most recently employed in a similar role to confirm details of their employment and their reasons for leaving.²⁹ In this instance the [First Reference Request Form](#) will be used.

The reference for the successful candidate is retained on the new employee's personal file and the return is recorded on the [Single Central Record](#).

References which are deemed unsatisfactory and ultimately result in a withdrawal of employment are to be held by the Human Resources Unit with the recruitment papers for six months, in order to successfully defend Employment Tribunal claims should they arise.

In circumstances where information is required urgently, the HR Unit may contact the referee and request a verbal reference. In this instance, information given verbally should be recorded on a file note for future reference.

Lincoln College reserve the right to contact referees directly to discuss information provided in references and clarify a candidate's suitability to fulfil the requirements of the role.

9.1.1i Requesting References for School Leavers

For school leavers who are unable to provide an employment reference, their last educational establishment can act as a referee. In this circumstance, there is no requirement to obtain 2 references – unless 2 references can be obtained from 2 different educational establishments.

9.1.1ii Requesting References for Candidates that were previously Self-employed

For candidates that have been self-employed and therefore unable to provide an employment reference, the HR Unit will endeavour to obtain at least one of the following:

- A reference from their last employer (up to 5 years previous)
- If the candidate has worked for a consistent contractor whilst self-employed, a reference from the contractor.³⁰

9.1.2 Managers Interpretation of References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. Once in receipt of a candidates references, the HR Assistant will forward references to the relevant appointing manager/supervisor.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained and scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed.

²⁹ AoC Guidance – Employment References: Guidance for Colleges, Page 4, Safeguarding Section.

³⁰ This process was put in place following advice from Barbara Simpson, Level 2 Safeguarding trainer.

It is the responsibility of the appointing manager to ensure that references are scrutinised and any concerns resolved satisfactorily, before an appointment is confirmed.

Upon receipt of all references, the recruiting manager should:

- Scrutinise the reference carefully, giving active consideration to the significance of all information provided
- Check that the information provided is not contradictory or incomplete
- Check to ensure that all specific questions on the reference pro forma have been answered satisfactorily. Referees should be contacted to provide further clarification as appropriate
- Compare the information provided to ensure it is consistent with the information provided by the candidate on the application form
- Take up any discrepancies with the candidate
- If there are any anomalies or doubts about the candidate's suitability to fulfil the requirements of the role, the recruiting manager should contact the referee and explore the issues, asking the referee whether there are any reasons that would prevent them from re-employing the candidate. The recruiting manager should make and retain a detailed written record of all such discussions and sign the record.

9.1.3 New Starters without a First Reference in Place

New starters will not routinely be permitted to commence employment without a first reference in place. If a first reference hasn't been returned prior to a new starters first day, then it will be the decision of the relevant manager (usually the relevant Group Director/Group Head) to decide if they are willing to accept the new starter commencing employment without a first reference in place. If the manager approves the new starter commencing employment without a first reference in place, then a DBS check must have been submitted/returned and an approved risk assessment must be in place. See [Risk Assessment](#) section for further guidance.

9.1.4 Receiving Reference Requests

It is the duty of the referee to exercise reasonable care to:

- Ensure that all references written are accurate, not misleading, justified and true
- Ensure the information is factually correct
- Express opinions (if the writer chooses to do so) about the subject of the reference which are reasonable in the circumstances and can be justified
- Create a fair impression overall. This might mean putting certain factual matters into context where not to do so would create a misleading impression.

In order to complete the cycle of effective protection of children and vulnerable adults, from potential abuse and neglect by staff and volunteers, it is essential to ensure that when managers are asked to provide references, they are written with the following 4 objectives in mind:

- **Deter** unsuitable people who have behaved or may have behaved in a way that indicates they may not be suitable to work with children and young people from seeking employment or opportunities to volunteer
- **Reject** applications from unsuitable people
- **Prevent** abuse and neglect of children by staff and volunteers
- **Identify** incidents of abuse and neglect by staff and volunteers and respond appropriately.

In particular, managers should provide honest, objective and factual information about any concerns discussed with the applicant about their practice with children and/or vulnerable adults; any investigations of allegations other than those that led to a conclusion that the allegation was false or malicious; and any disciplinary action in respect of the applicant's practice with children and/or vulnerable adults including outcomes and any sanctions imposed.

This requirement highlights the importance of managers addressing concerns with employees and volunteers as early as possible and maintaining a clear record of all such discussions. This

must include discussions undertaken in the context of day to day management and supervision, as well as formal investigation and disciplinary processes.

Having checked the factual accuracy of statements and reasonableness of opinions contained in the reference, the referee should then ensure that the effect of the whole reference is fair and not misleading.

If a previous employee was subject to a disciplinary sanction which were spent at the termination of employment (unless relating to safeguarding), questions regarding disciplinary sanctions should be responded to using the following wording, 'There were no outstanding allegations or live disciplinary sanctions on the employees file at the termination of employment.'³¹

Where the referee has limited knowledge of the subject, this should clearly be stated.

Requests for references should be responded to promptly.

Lincoln College adopt a standardised approach to the completion of references, the HR Officer will complete the reference using the appropriate pro-forma relevant to the disclosure required³².

In line with GDPR, upon receipt of the reference request, the HR Officer will contact the requesting organisation, requesting the employees written consent to provide a reference on their behalf.

The individuals line manager will also be contacted, with a request for suitable comments as appropriate, providing the line manager with a 5 working day deadline for a response. Upon receipt of the line managers comments and the individuals written consent, the reference will be returned to the requesting organisation.

The reference will also be saved on the former employees electronic file for future reference.

In circumstances where information is required urgently, the referee may be called upon to give a telephone reference. This should be approached with caution, but should not be unreasonably refused.

If the person requesting the reference is unknown, their workplace telephone number should be established to call them back ensuring it is the right person in the right organisation.

The referee should reserve the right not to answer specific questions, but be as helpful as possible. Notes of the questions asked should be taken and the answers given.

9.1.5 Providing a Personal Reference

In the event than an employee wishes to provide a personal reference, they must ensure that the reference request is received at their home address (not at any college location), that any reference is not written on college headed paper/ sent via college email, and that they do not include their job title. In addition, all personal references must include a disclaimer, i.e. "this reference is written in a personal capacity and should not be regarded as representing the views of any employer/organisation".

9.2 DBS Service

Lincoln College aim to comply with the procedures and regulations relating to DBS checks on employees in accordance with the Code of Practice provided by the DBS, the Rehabilitation of Offenders Act 1974 and the Data Protection Act 2018.

The [DBS Code of Practice](#) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

³¹ Wording based on advice received from Irwin Mitchell – 17.09.19
³² Reference procedure as of 01 March 2020

Disclosure checks for the purposes of recruitment shall not be used in isolation or as a substitute for any of the full range of existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history.

As an organisation using the DBS checking service to help assess the suitability of applicants for positions of trust, Lincoln College complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulations (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. DBS certificate information is recorded electronically and submitted electronically via eSafeguarding. DBS information is kept secure with access strictly controlled and limited to those who are entitled to see it as part of their duties.

We retain DBS information for the purpose of Ofsted and other safeguarding related inspections – for example on our Single Central Record (SCR).

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. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

9.2.1 Employment of Ex-Offenders

Lincoln College meets the requirements in respect of exempted occupations under the Rehabilitation of Offenders Act 1974.

All applicants are therefore required to disclose if they have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 (as amended in 2013) by SI 2013 1198. Any information disclosed will be kept confidential and used only in connection with the application.

Lincoln College actively promotes 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 convictions.

Lincoln College ensures that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and access the relevance and circumstances of offences. It also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974.

Lincoln College makes every subject of a criminal record check submitted to the DBS aware of the existence of the code of practice and makes a copy available on request.

All applicants who are offered employment will be subject to a DBS Check from the DBS before the appointment is confirmed.

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

The college undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

At interview, or in a separate discussion, the college will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

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

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

9.2.1i DBS Filtering Rules Changes

Following a change made to the DBS filtering guidelines³³, DBS applications and disclosures will be subject to the new filtering rules.

Under the new guidelines, standard and enhanced DBS certificates will no longer automatically disclose warnings, reprimands and youth cautions. The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

9.2.1ii New Filtering rules when using the Update Service

Lincoln College does not accept portable DBS certificates, which is essence is a certificate not registered to the update service. If an individual provides a DBS certificate registered to the update service that was issued prior to the change in filtering rules, the certificate should be checked as to whether as an organisation we are legally obliged to ignore any disclosure which under new legislation would usually not be disclosed.

9.2.1iii Updates to records and application form

As a result of the new filtering regulation, retained records around existing staff with criminal records have been reviewed and amended or removed as appropriate, in line with any information which would now be filtered out under the new rules.

All application forms related to positions that are eligible for a Standard or Enhanced DBS checks have been updated to reflect the filtering rules, to ensure that we are asking the right questions and employees give the right (legally accurate) response to those questions.

The application forms now read as follows:

<p>Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.</p> <p>Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.</p>

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

See the [Employment of Ex Offenders section of the Safer Recruitment Policy](#) for further guidance.

³³ As of 28 November 2020

9.2.1iv What should I consider when employing ex-offenders?

Each employer is best placed to consider whether a person's convictions (either before they have become spent, or, in the case of activities listed on the Exceptions Order, when they are spent) make him or her unsuitable for a particular job. The college undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. Individuals who have a criminal record will not necessarily be barred from working at the college. A number of factors will be considered to allow the manager to reach a balance judgement before reaching a decision (a record of the decision will be recorded on the SCR for future reference) which would be to either progress the appointment or withdraw the offer. These shall include the following:

- The person's age at the time of the offence
- The length of time since the offence or other matter occurred
- Whether it was an isolated offence or if the applicant has a pattern of offending behaviour or other relevant matters
- Circumstances of the offence being committed and the explanation(s) offered by the convicted
- Changes in the applicant's personal circumstances since the conviction, offending behaviour or the other relevant matters
- Country of conviction
- The nature, seriousness of the offence or other matter
- Whether the conviction or other matter revealed is relevant to the position in question
- What else is known about the person's conduct before and since the offence
- Remorse and the applicant's sense of responsibility.

9.2.2 Misconduct outside the Workplace

All contracts of employment include an updated clause that relates to misconduct outside the workplace. In the event that any allegations of potential gross misconduct are made against employees in respect of their conduct outside the workplace they are obliged to notify the college immediately. This includes any allegations made in the course of any secondary employment or holding a public appointment.³⁴

9.2.3 DBS Checks

All new appointments to the College's employment are subject to satisfactory clearance of a DBS check before the appointment is confirmed.

Lincoln College complete their DBS checks in line with the [DBS Code of Practice](#).

Disclosures will only be sought after a candidate has been provided with a provisional offer of employment or where applicable, a voluntary/temporary position (see [Volunteer](#) section for further information on DBS process for [volunteers](#)).

9.2.3i DBS Check Levels used at Lincoln College

All Lincoln College employees are subject to an enhanced DBS check. Dependent on the role this enhanced DBS check will include a check of the child and/or adult barred list.

Enhanced checks – To be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations. Enhanced checks also look at other relevant information held by the Police such as any interviews and allegations.

³⁴ The contract clause relating to Misconduct outside of the Workplace were effective in contracts of employment from June 2020, This clause has been drafted following the decision in the *Basildon Academies v Amadi* UKEAT/0343/14. The EAT found that an employee does not have an implied duty to disclose to his employer allegations of misconduct made against him whilst working elsewhere, unless there is an express contractual obligation to do so. Colleges may have employees engaged or employed on contracts at other organisations and this clause requires the employee to notify the college of any allegations of misconduct that take place outside of the college workplace. Colleges notified of such allegations will need to determine on a case-by-case basis whether proceedings under the college's disciplinary procedure would be instigated]. <https://www.gov.uk/employment-appeal-tribunal-decisions/the-basildon-academies-v-mr-e-amadi-ukeat-0343-14-rn>

Enhanced checks with children's and/or adults' barred list check(s) – To be eligible to request a check of the children's or adults' barred lists, the position must be eligible for an enhanced level DBS certificate as above and be specifically included in the Police Act 1997 (Criminal Records) regulations as able to check the appropriate barred list(s).³⁵

Via the eSafeguarding system, Lincoln College are able to obtain a Child and/or Adult barred list check combined with the Enhanced DBS check by selecting if the Enhanced DBS Check is to include a check of the Child and/or Adult barred list/s. When a barred list check is conducted alongside the Enhanced DBS check, the relevant required to work with adults/ required to work with children column on the Lincoln College SCR will be completed to confirm that this check has been undertaken.

Employees who commenced employment prior to the changes being made to the DBS will not have anything written in the required to work with child or required to work with adult column of the SCR but would have had the appropriate check as per the legislation in place at the time of their appointment.

An outline list of roles and level of DBS check can be found in [Appendix 1](#).

9.2.3ii Teaching Regulation Agency (TRA) - Employer Access Service

The Teacher Regulations Agency (TRA) service should be used to carry out a range of 'teacher status checks' including verification of qualified teacher status (QTS), completion of teacher induction or teaching probation, conduct prohibition, direction, restriction, and children's barred list checks ³⁶.

There may be times when new starters are approved to commence employment prior to their Enhanced DBS certificate being returned, if this is the case a risk assessment will be completed and the TRA should be accessed in order to conduct an online barred list (for all posts that require a child and/or adult barred list check) before a risk assessment is approved and the new starter is able to commence employment.

If this check is conducted then this will be recorded on the SCR under the barred list column.

Please see the [SCR Key](#) for further details of the separate Barred List column.

9.2.3iii DBS Checking Process

Once an offer of employment is made the HR Unit will contact the candidate via email, sending them a link to commence their DBS check via eSafeguarding and asking them to make an appointment to bring in their original ID documents.

DBS checks are conducted by following the [ID](#) checking guidelines issued by the DBS.³⁷

Once the new starter has brought in the ID documents the HR Assistant will submit the check via the eSafeguarding system, recording the relevant details on the [SCR](#).

If the DBS check is returned prior to the proposed start date with no issues then the candidate can commence employment without supervision, as long as all other appropriate checks have also been completed.

If the DBS check is not returned prior to the proposed start date then it may be possible for the candidate to commence employment on the proposed start date with a risk assessment in place. See the [Risk Assessment](#) section for further guidance.

³⁵ Paragraph 218, Page 5, bullet point 4 - Keeping Children Safe in Education September 2021

³⁶ Paragraph 242 - 243, Page 64, bullet point 4 - Keeping Children Safe in Education September 2021

³⁷ Lincoln College use the ID checking guidelines as detailed in [ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021](#) for all DBS checks – before this, all DBS ID checks were carried out as per previously issued guidance.

Where the DBS check is returned and states 'Comp Paper' then the HR Assistant will contact the candidate and request that they bring a copy of their DBS certificate into College for them to view. The HR Assistant will also make the HR Manager aware that the DBS check has been returned as Comp Paper and after seeing sight of the DBS certificate it may then be necessary for the HR Manager to hold a meeting with the candidate to discuss this further. A number of factors will be considered before reaching a decision. [See 9.2.1iv](#) for further informing regarding the discussion and decision making proposes with regards to employment of ex-offenders. A record of the decision will be recorded securely on the password protected SCR for future reference.

9.2.3iv COVID-19: Update to DBS ID checking guidelines

A temporary change to ID checking guidelines was issued by the DBS to allow for the continuation of checking identification documents and processing DBS checks ³⁸– see [Appendix 4](#).

9.2.3v Existing Staff - Change in role

New DBS checks will not be carried out on existing staff unless they have a change in role which means they require a child or adult barred list check and their previous role meant that they haven't previously been subject to this check. For example, an employee originally employed in an admin position with no regular unsupervised contact with vulnerable adults' changes to a LSA role or if they've had a break in service of 12 weeks or more.³⁹ In this event, a new DBS check would be conducted (including the relevant barred list check for the role) and the new certificate number and the date issued, would be recorded on the [Single Central Record](#).

The only other time that existing staff will be rechecked would be if there are concerns about their suitability to work with children and/or vulnerable adults, in which case another DBS check (including the relevant barred list check for the role) will be undertaken as if the person was a new member of staff.

9.2.3vi Existing Staff - Change to an existing role

A further DBS check will be required when there is a change to an existing role, which means the role now requires a child or adult barred list check. For example, a support member of staff is recruited to a role which does not require a child or adult barred list check. A change is then made to their role, which means that their role now requires a child or adult barred list check.

In this instance, a further DBS check would be conducted and a [risk assessment](#) would be put in place to ensure no unsupervised contact until the new DBS was returned.

It is the responsibility of the individual line manager to inform the HR Assistant Recruitment of such a change.

9.2.4 DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue.

Organisations can then subsequently carry out a free online check. This would 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 certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Where a new employee has indicated that they have signed up to the DBS Update Service we will:

³⁸ As of 24 March 2020

³⁹ Paragraph 327, Page 79, Bullet Point 2 – Keeping Children Safe in Education – September 2021

- Obtain consent from the applicant to carry out a check (by completing a section of the application form to this effect)
- Confirm the certificate matches the individual's identity
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information. Further information regarding DBS certificate security features can be obtained via [Appendix 3 - Security features of a DBS certificate](#)
- Record the certificate number and the date the check of the update service was conducted on the Single Central Record.

9.2.5 DBS Portability

The update service should not be confused with Portability. Portability refers to the re-use of a Disclosure i.e. a Disclosure obtained for a position in one organisation and later used for a position in another organisation. Lincoln College do not currently accept the portability of Disclosures provided by external organisations and as such all offers of permanent employment will be subject to completion of a new Disclosure check.

In instances where the individual is working and/or has worked within the last 3 months for the organisation via FE Resources, the portability of Disclosure will be accepted in these instances due to the check being conducted under the same umbrella body. Please note that this will only be accepted in cases where the check is relevant to the barred list(s) required to be checked (as defined in [appendix one](#)).

9.3 Employee Background Checks – Annual Declaration

All Lincoln College (including Deans and Corporate Support Solutions) employees are now contractually required to declare that there have been no changes in relation to their background employment checks on an annual basis. This includes being subject to a prohibition order, an interim prohibition order or any changes to circumstances related to DBS/Barred List checks.

Employees will complete an annual declaration confirming that their circumstances have remained the same (or otherwise) via Employee Self-Service⁴⁰, the date of the declaration shall be recorded on the [Single Central Record](#).

9.4 Secretary of State Prohibition Order Checks

Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments.

Prohibition checks were first introduced on 1 January 2007; however, College's previously believed that they were exempt from the requirement to conduct prohibition checks due to the guidance contained with the footnote on page 22 of the Keeping Children Safe in Education September 2016 document. Following legal guidance, the Lincoln College Group began conducting prohibition checks on all teachers employed since July 2017 (historical guidance on Prohibition Checks can be found in Appendix 3) and the 2018 Keeping Children Safe in Education guidance was updated to state that even though prohibition orders do not legally prevent a person from working in a College, by virtue of their Conditions of Funding (in respect of funding received from the Education and Skills Funding Agency) colleges may not employ or engage a person who is subject to a prohibition order to carry out teaching work and therefore Colleges are now required to complete such checks. Footnote 72, page 62 of the Keeping Children Safe in Education September 2021 statutory guidance now confirms the requirement for Colleges to undertake such checks.

⁴⁰ As a result of an amendment to the ESFAs funding agreement with the college which specifically and explicitly requires this with effect from 1 August 2019.

9.4.1 Lincoln College Procedures for Conducting Prohibition Checks

Prohibition checks⁴¹ are conducted using the [Teaching Regulation Agency](#) (Employer Access) by the HR Assistant and are conducted on any roles that require a child and/or adult barred list check, prior to their start date:

Checks are conducted using the Teacher Reference Number (TRN) and date of birth.

In the event that a TRN is unknown, the HR Assistant will access the Teachers Services restrictions lists and check each alphabetical list of those teachers and others with current prohibition orders, restriction, sanction or who have failed induction/probation.

The date the check is conducted is recorded on the [Single Central Record](#).

9.5 Qualifications

All new starters are asked to make an appointment with HR prior to their start date. As part of this appointment new starters are asked to bring in original copies/evidence of all qualifications listed on their application form (that are listed on the person specification). The HR Unit will check qualifications and clarify any discrepancies with the individual prior to their start date. Details of contractual qualifications and professional qualifications will be recorded on the [Single Central Record](#).

In the absence of physical certificates, the organisation will accept written confirmation by the appropriate awarding bodies, which confirm that the individual has obtained this qualification.

9.6 Individuals who have worked Outside of the UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other newly appointed staff, 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 in the UK.

Following the UK's exit from the EU, schools and colleges should 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 world⁴².

9.6.1 Certificate of Good Conduct

In addition to all other pre-employment checks, all candidates⁴³ that have lived outside of the UK for 3 consecutive months or more within the past 5 years will be required to obtain a criminal record check from the country they lived in⁴⁴. This is commonly referred to as a 'Certificate of Good Conduct' but has many different names including Certificate of Clearance and Certificate of no Criminal Conviction. Certificates of Good Conduct are required in addition to a DBS check, as whilst a DBS check is a check of a candidates criminal record in the UK, this cannot currently assess criminal records held overseas.

Certificates of Good Conduct are **not** required, if the appointed candidate has, within 3 months of their start date at the college:

- Worked in a school in England in a position which brought them regularly into contact with persons aged under 18; or

⁴¹ Prohibition checks were introduced to the Lincoln College Group recruitment process for all new UK starters from 1 December 2017. Prohibition Order checks were originally only conducted on Instructor, Lecturers, Heads of Learning and Skills, Learning and Skills Lead, Heads of Training and Skills, Training and Skills Leads, prior to their start date. As of 1 November, PO checks are completed on all roles that require a child and/or adult barred list check.

⁴² Paragraph 262, Page 68 – Keeping Children Safe in Education September 2021

⁴³ Prior to 1 January 2018, it was a Lincoln College requirement that academic posts would only require a letter of good conduct. A change was implemented on 1 January 2018 to ensure that all posts would now require this check.

⁴⁴ Government guidance states 10 years, 12 months however the AoC provided guidance on 3 October 2018 advising that 5 years, 3 months was deemed to be a sensible time period. Irwin Mitchell (on behalf of the AoC) state, 'there is actually no specification in law (including Keeping Children Safe in Education Guidance and the Overseas Criminal Records Check Guidance) as to when the college are obliged to conduct a check. The 5 year rule was previously adopted widely but is not prescribed in law. I do however consider it is sensible for the college to have a system in place and the 5 year, 3 month rule previously applied remains a sensible guide.'

- 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 18.⁴⁵

Whilst there is no requirement to carry out an enhanced DBS or carry out checks for events that may have occurred outside the UK, schools or colleges may still choose to request one to ensure they have up to date information. However, schools and colleges must still carry out all other relevant pre-appointment checks, including where the individual is engaging in regulated activity with children, a children's barred list check⁴⁶.

9.6.2 Applying for a Certificate of Good Conduct

The application process for criminal records checks or 'Certificates of Good Conduct' varies from country to country. Candidates will have to apply in the country or to the relevant embassy in the UK.

Guidance for applying for criminal records checks from overseas can be found at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The HR Assistant Recruitment can provide candidates with a letter explaining why the check is needed if this is required by the embassy or police authority.

9.6.2 Candidate Unable to Obtain a Certificate of Good Conduct

It is not always possible to obtain a certificate from countries that do not have functioning criminal record regimes or refuse to provide these to anyone other than their own citizens. If a candidate is unable to obtain a Certificate of Good Conduct then the college will obtain as much information as possible in the form of references etc. (and all other checks that would be carried out in any event) before deciding whether or not to withdraw an offer of employment.⁴⁷

Keeping Children Safe in Education, states '*Where this information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment*'.⁴⁸

9.7 FE Resources Associates Obtaining a Permanent Contract

There is no requirement to carry out an additional enhanced DBS check when an FE Resources Associate is appointed to a contracted position unless the following occurs:

- The FE Resources Associate is changing roles and requires a different barred list check
- The FE Resources Associate hasn't had any bookings with the College within 3 months of their contracted start date.

The HR Assistant will always check the above prior to an Associate commencing contracted employment and will then (if necessary) submit a new DBS check prior to their start date.

Additionally, the HR Assistant will also check that the appropriate check has been undertaken for the role the new starter will be undertaking i.e. Child and or/Adult barred list check. If these haven't been undertaken then a new DBS check will be carried out.

If a new DBS check is required, the FE Resources Associate will be able to commence employment by using their current FE Resources DBS check however a [risk assessment](#) will be required until the check has been returned. The HR Assistant will record the FE Resources DBS details on the [SCR](#) until the new check has been returned.

⁴⁵ Paragraph 215, Page 54, Keeping Children Safe in Education September 2021

⁴⁶ Paragraph 216, Page 55 – Keeping Children Safe in Education September 2021

⁴⁷ Based on advice received from Irwin Mitchell (on behalf of the AoC) 3 October 2018.

⁴⁸ Paragraph 264, Page 68 – Keeping Children Safe in Education September 2021

10 RIGHT TO WORK IN THE UK CHECKS

Under section 15 of the Immigration, Asylum and Nationality Act 2006 (“the Act”) an organisations may be liable for a civil penalty if they employ someone who does not have the right to carry out the work in question.

All employers have a duty to prevent illegal working in the UK by people who are subject to immigration control. If this is not complied with, they may face a financial penalty (civil penalty of up to a maximum of £20,000 per illegal worker) and in some cases, prosecution.

Organisations can avoid becoming liable for a civil penalty and prosecution by carrying out simple specified document checks on people before employing them, to ensure they are allowed to work in the UK. This check needs to be repeated when someone has temporary permission to be in the UK and to work. Conducting these checks in the prescribed manner will provide a statutory excuse against a civil penalty.

In order to comply with Right to Work in the UK legislation specified document checks are carried out by the HR Unit on all employees prior to them being employed. Follow-up checks are also conducted on people who have time-limited permission to be in the UK and work.

There is no requirement to check the status of internal applicants who are already employed by the College, unless they leave and seek re-employment.

10.1 Right to work checks following Brexit

The United Kingdom (UK) ceased to be a member of the EEA (the EU and Iceland, Liechtenstein, Norway and Swiss Nationals) as of 31 January 2020.

EEA nationals that were residing in the UK by 31 December 2020, were able to apply for the right to live and work in the UK indefinitely under the [EU Settlement Scheme \(EUSS\)](#) (subject to meeting certain requirements) or for pre-settled status (if they have resided in the UK for a period of less than five continuous years). Failure to acquire pre-settled / settled status will, at worst, lead to removal of the individual from the UK, as an “illegal immigrant”.

10.1.1 Right to work checks for EEA/EU Nationals after 01 July 2021

An EEA/EU national will no longer be able to evidence their right to work in the UK via their EU passport or nationality identity card.

An applicant should provide proof of their immigration status either under the Scheme (if the individual lived in the UK prior to 31 December 2020) or the new UK points-based immigration system (if the individual arrived in the UK after 31 December 2020).⁴⁹

The individual’s status, once granted, is linked to the passport or national identity card that was used to apply for the EUSS. The individual will not have a physical document to confirm their settled or pre-settled status. However, the HR Assistant will use the [online Right to Work Check tool](#) to check an individual’s status.

10.1.2 Recruiting people from outside of the UK after 01 January 2021

EEA nationals (with the exception of Irish citizens) arriving in the UK to live and work need to meet the requirements of the new UK [points-based immigration system](#), in the same way as non-EEA nationals.

⁴⁹ There is an exception to this rule: Irish Nationals continue to have the right to work and live in the UK without the need for permission, as a result of the Common Travel Area arrangement. As such, for right to work check purposes, Irish Nationals may continue to demonstrate their right to work in the UK by providing their Irish passport, after 30 June 2021).

10.2 How We Check Right to Work Documents:

The HR Assistant Recruitment conducts right to work checks in line with the [Employers right to work check supporting guidance](#) and [Employers Guide to Acceptable Right to Work Documents](#), they:

- **OBTAIN** original versions of one or more acceptable documents.
- **CHECK** the documents validity in the presence of the holder.
- Make and retain a clear **COPY** (this is stored on the employees personal file), and record the date the check was made (this check is recorded on the [SCR](#)).

10.2.1 COVID-19: Update to Right to Work Document checking guidelines

A temporary change to Right to Work checking guidelines⁵⁰ was issued by the government in order to ensure that offers of employment can still continue to be made - see [Appendix 5](#).

11 RISK ASSESSMENT

As a general rule, no staff member will be permitted to start work until the College is in receipt of a first reference and a DBS check. However, where it can be demonstrated, through a risk assessment that there will be no contact, or no unsupervised contact with students/learners under the age of 18 or vulnerable adults, an earlier start can be considered providing a first reference has been received (unless approved otherwise by the relevant senior manager – see [9.1.3](#)) and the DBS check has been submitted to eSafeguarding. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the HR Officer. The risk assessment form must be kept for future reference.⁵¹

11.1 Posts Requiring a Child or Adult Barred List Check

In the case where a DBS check has not been returned, in relation to a role that requires a check of the adult and/or child barred list, an online barred list check using the TRA's, Employer Access service must be successfully obtained (in addition to a risk assessment completed by the relevant line manager) before a decision will be made by the HR Officer.⁵²

11.2 Risk Assessments for Agency Workers (Non-FE Resources), Consultants and Volunteers/Work Experience

Please see [Agency Workers \(Non FE Resources\)](#), [Consultants](#) and [Volunteers/Work Experience](#) sections for further guidance in relation to risk assessments and these roles.

12 SINGLE CENTRAL RECORD (SCR)

In addition to the various staff records which are kept as part of normal business, under the Keeping Children Safe in Education statutory guidance schools and colleges must maintain a single central record of pre-appointment checks⁵³, referred to in the Regulations⁵⁴ as the register. The SCR is a live document of all current employees and records the various checks that take place as part of the recruitment process, including who carried out the checks, dates checks were made and the description of any documents seen as part of the checking process. The SCR covers all staff (including agency, consultants and work experience/volunteers) who work at the college. A copy of the documents used to verify the candidates identify, right to work and required qualifications should be kept for the personnel file.

⁵⁰ As of 30 March 2020

⁵¹ Paragraph 228, Page 59 – Keeping Children Safe in Education September 2021

⁵² Previously the risk assessment procedure was to conduct a TP online barred list check on any Lecturer/Assessor and Instructor posts. From January 2018, it was agreed that any post that required a child/adult barred list check would be subject to a TP online barred list check as part of the risk assessment process.

⁵³ Paragraph 250, Page 65 – Keeping Children Safe in Education September 2021

⁵⁴ Paragraph 253, Page 66 – Keeping Children Safe in Education September 2021

12.1 Information that must be Recorded on the SCR

The information that must be recorded in respect of staff members is detailed partly in the Keeping Children Safe in Education guidance⁵⁵, The Regulations 20-25 and the [Schedule to the Further Education \(Providers of Education\) \(England\) Regulations 2006](#).

12.2 Where our Data is Stored

The [Regulations 20-25 and the Schedule to the Further Education \(Providers of Education\) \(England\) Regulations 2006](#) state that the register required to be kept pursuant to regulation 20 may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form. The Lincoln College SCR is therefore kept electronically, is password protected and made only available to those that require is a part of their duties.

12.2.1 Permanent Employees

The Lincoln College SCR for permanent employees is held on the HR Payroll system, iTrent. The data stored in iTrent is then extracted into a report, which can be downloaded at any time. A back up copy of the data is downloaded and saved on the T-Drive on a monthly basis. The HR Assistant Recruitment ensure that the downloaded copy is then archived at the beginning of each month and replaced with the most recent version. This document is password protected and made only available to those that require is a part of their duties.

12.2.2 Temporary Staff (Volunteer, Work Experience, Agency, Interns, Consultants)

The Lincoln College SCR for temporary staff is stored on an Excel spreadsheet, which is saved on the HR T-Drive. This SCR is password protected and made only available to those that require is a part of their duties.

12.2.3 Third Party Organisations

In line with Keeping Children Safe in Education guidance, Lincoln College are not required to hold an SCR for employees/workers unless they are providing an education to learners. Lincoln College have made the decision to keep a SCR record for all permanent employees, agency temps, volunteers etc. (regardless of whether they are providing an education to their learners) when safer recruitment checks have been undertaken by the college. For any workers where Lincoln College are not responsible for conducting safer recruitment checks, such as those workers employed by Wanderlust Escape Rooms⁵⁶ or other third party workers not providing an education to leaners, a SCR is not kept but written confirmation that the appropriate checks have been conducted is obtained.⁵⁷ Please see [section 17](#) for further information.

12.3 Permanent Employees SCR Records

The information that Lincoln College hold on their SCR for permanent employees is as follows:

General Information:

- Name
- Job Title
- Date of Birth
- Address
- Employment Start Date

In relation to DBS checks, the following information is recorded on the College's SCR:

⁵⁵ Paragraph 253, Page 66 – Keeping Children Safe in Education September 2021

⁵⁶ Wanderlust are unable to conduct their own DBS checks on their employees. Lincoln College conduct DBS checks on Wanderlust employees on behalf of Wanderlust. Lincoln College will not keep a SCR for Wanderlust employees but will record the DBS details on the SCR form obtained for Wanderlust employees for the purpose of safeguarding inspections.

⁵⁷ Paragraph 268, Page 69 – Keeping Children Safe in Education September 2021

- An identity check has been conducted
- The initials of the employee conducting the check
- The documents used to conduct the check
- That an enhanced DBS check has been carried out and the date the check was submitted in to the e-Safeguarding system by the College.
- The date that the certificate was issued to the individual
- The DBS certificate number
- If a candidate has registered with the Update Service then the certificate number, the date the certificate was originally issued and the date the College carries out the recent online check will be recorded
- The annual declaration date of employment background checks
- If a child and/or adult barred list check is required and has been conducted.
- If a separate online barred list check via the TRA's, Employer service was conducted and the date the check was carried out

Prohibition Order Checks:

- If a prohibition order check is required
- The date the prohibition order check was completed.

Right to Work Documentation Checks:

- The initials of the employee conducting the check
- The documents used to conduct the check
- The date the check was conducted

Risk Assessment:

- If an agreed risk assessment was in place this is recorded on the SCR.

References:

- The date the candidates first and second references were returned.

Qualifications:

- Details of any professional qualifications required for the role and who conducted the check to verify the qualifications

Safeguarding Training:

- Dates safeguarding training was undertaken and renewal date.

Prevent Training:

- Dates prevent training was undertaken.

12.4 Agency Temps (Non FE Resources) SCR Records

The information that Lincoln College hold on their SCR for agency temps (non FE Resources) is as follows:

- Name
- Booking Start Date
- End date of booking if known
- Job Title
- School/Unit working in

- Agency used
- Requesting Manager
- That an ID Check has been undertaken
- If a Child and/or Adult barred list check is required and has been conducted
- If a prohibition check has been conducted
- Reference number of the DBS conducted by Lincoln College (if applicable)
- The date that the certificate was issued to the individual
- If a separate online barred list check via the TRA's, Employer Access service was conducted prior to the DBS being returned
- The initials of the person who verified the DBS documents
- If Safeguarding training is applicable and has been completed/ due for renewal
- Date prevent training was completed
- If an agreed risk assessment was in place
- SCR Agency Form received confirming checks have been undertaken⁵⁸
- Date the Agency form was received
- Details of the agency DBS check level

12.5 Volunteers/Work Experience SCR Records

The information that Lincoln College hold on their SCR for Volunteers/Work Experience people is as follows:

- Name
- Title of Role
- School/Unit
- Line Manager
- Address
- Start Date
- End date (if known)
- That an ID check has been completed
- If an agreed risk assessment was in place
- If a separate online barred list check via the TRA's, Employer Access service was conducted and the date the check was carried out prior to the DBS being returned.
- If a prohibition check has been conducted
- If a Child and/or Adult barred list check is required and has been conducted.
- Reference number of the DBS conducted by Lincoln College (if applicable)
- That a right to work check has been completed
- If Safeguarding training is applicable and has been completed/ due for renewal
- Dates prevent training was completed

12.6 Consultants SCR Records

The information that Lincoln College hold on their SCR for Consultants is as follows:

- Name
- Title of Role
- School/Unit
- Line Manager
- Address
- Start Date
- End date (if known)
- ID check has been completed
- If an agreed risk assessment was in place
- If a separate online barred list check via the TRA's, Employer Access service was conducted and the date the check was carried out prior to the DBS being returned
- If a prohibition check has been conducted

⁵⁸ Paragraph 268, Page 69 – Keeping Children Safe in Education September 2021

- If a Child and/or Adult barred list check is required and has been conducted.
- Reference number of the DBS conducted by Lincoln College (if applicable)
- The annual declaration date of employee background checks
- A Right to Work check has been completed
- If Safeguarding training is applicable and has been completed/ due for renewal
- Date prevent training was completed

12.7 SCR Key

A key is in place to explain any abbreviations listed on the [SCR](#).

13 AGENCY WORKERS (NON FE RESOURCES)

13.1 Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Agency Workers (non FE Resources). Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Agency Workers (non FE Resources).

The FE Resources team co-ordinate the recruitment process for any agency temps (both via FE Resources and external agencies).

13.2 Single Central Record Agency Form

All external agency workers (i.e. not booked through FE Resources) are required to have a completed Single Central Record Agency form (Example [SCR Agency Form](#)) in place prior to the start of their assignment.

This form is written verification that confirmation⁵⁹ has been received that the agency supplying the worker has carried out the relevant checks, such as references, right to work in the UK and what level of DBS check has been conducted, in respect of their employee.

The HR Assistant (FER) will send this to the relevant agency and ensure that this form is completed prior to a booking being confirmed.

Details of the booking will be recorded under the agency section of the SCR – [See 12.4](#).

13.3 Verifying Identity of an Agency Temp

All agency temps are required to complete an [Agency Temp Application Form](#). The HR Assistant (FER) will also check that the person presenting themselves for work is the same person on whom the SCR form has been completed for and whom the checks have/ will be carried out for, by requesting that they bring photographic identification in at the start of their assignment.⁶⁰

13.4 DBS Check

The level of DBS check required will depend on the role and duties of an agency temp, whether the agency worker will be engaging in a role that requires a child and/or adult barred list check and the length of the agency workers booking. A list of DBS Check Levels can be found in [Appendix 1](#).

A DBS check will be carried out in line with the procedures detailed in [9.2](#)

The HR Assistant (FER) will contact the individual and request that they bring in the relevant documents at the start of their assignment (regardless of the length of their booking) to ensure timely completion of the DBS check.

⁵⁹ Paragraph 268, Page 69 – Keeping Children Safe in Education September 2021

⁶⁰ Paragraph 270, Page 70 – Keeping Children Safe in Education September 2021 and Section 16 of The Further Education (Providers of Education) (England) Regulations 2006.

13.4.1 Agency Temps (Non-FE Resources) – Non-Admin

Where an agency temp will be undertaking a role that is non-admin related, for example teaching, instructing, assessing, LSA the HR Assistant (FER) will confirm with the agency the level of DBS check that has been conducted.

Lincoln College will use their professional judgement when deciding whether to conduct a further DBS check on an agency temp working in such roles.

When making a judgement the following process will be followed:

- If agency has conducted a check, the check includes the appropriate barred list check and is less than 3 months old then there is no requirement for a further check to be undertaken and there is no requirement for the agency temp to be working under a risk assessment.

Where the position requires a children's barred list check, this must be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.⁶¹

- If the agency check is more than 3 months old, then a further check is required and will be completed by Lincoln College. An online barred list check via the TRA's, Employer Access service will be conducted and a risk assessment must be in place until the appropriate checks have been completed.

If the agency temps role is then made permanent, they will be subject to the Lincoln College recruitment process and a new DBS check will be conducted (if the agency worker is working under their agency DBS).

13.4.2 Agency Temps (Non FE Resources) – Non Teaching Roles

All admin-based agency workers will be required to complete a DBS check for assignments of four weeks or more.

A DBS check will be conducted at the start of an assignment if the HR Assistant (FER) are aware that the assignment will be for 4 weeks or more.

If the length of the assignment is unknown, then a check will be conducted after 3 weeks of the assignment.

13.5 Agency Temps and Secretary of State Prohibition Order Checks

A Prohibition Check will be conducted on any agency temps engaging in roles requiring a child and/or adult barred list.

13.6 Risk Assessment

An approved [risk assessment](#) must be in place until a DBS check is in place for all ⁶² agency temps. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the HR Officer. The risk assessment form must be kept for future reference.

Exceptions to the above include agency workers based out in the community or outreach venues or who undertake 1:1 twilight tutorials, a disclosure must be received before starting work. These agency workers cannot commence work without receipt of a satisfactory disclosure check and this must be at enhanced level with both the child and adult barred list checks.

⁶¹ Paragraph 270, Page 70 – Keeping Children Safe in Education September 2021

⁶²A change was agreed on 14.01.18 to ensure that all agency posts that commenced employment without a DBS in place, whether they require a child and/or adult barred list or not, were required to have a risk assessment in place. Prior this change risk assessments were only required for agency workers in Lecturer, Instructor or Assessor roles.

13.7 Agency SCR

Details of the agency worker and the safer recruitment checks will be recorded on the Agency section of the SCR.

14 VOLUNTEERS/WORK EXPERIENCE

14.1 Volunteers/Work Experience Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Volunteers. Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Volunteers.

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.⁶³

14.2 Verifying Identity of a Volunteer/Work Experience

The HR Assistant will check that the identity of the person presenting themselves for the volunteer/work experience role, by requesting that they bring photographic identification in at the start of their assignment. A copy of the ID will be taken and will be kept along with the rest of the recruitment paper work in relation to the volunteer/work experience person.

14.3 DBS Checks for Volunteers/Work Experience

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges in deciding what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed. This is replicated at Annex F of the [Keeping Children Safe in Education](#) statutory guidance.

The guidance issued following this change requires that:

- There must be supervision by a person who is in regulated activity
- The supervision must be regular and day to day and
- The supervision must be “reasonable in all the circumstances to ensure the protection of children.”⁶⁴
- The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to enter, regulated activity.⁶⁵

14.3.1 Unsupervised Volunteers/Work Experience People

Any volunteer/work experience role that provides the individual undertaking the role unsupervised contact with children is deemed to be regulated activity and should therefore be subject to the same level of pre-employment checks including a DBS check (with appropriate barred list check) as an employed role.

Volunteers/Work experience people who on an unsupervised basis teach or look after children regularly, or provide personal care on a one to one basis will be in regulated activity.⁶⁶

⁶³ Paragraph 287, Page 72 – Keeping Children Safe in Education September 2021

⁶⁴ Paragraph 292, Page 73 – Keeping Children Safe in Education September 2021

⁶⁵ Paragraph 291, Page 72 – Keeping Children Safe in Education September 2021

⁶⁶ Paragraph 290, Page 72 – Keeping Children Safe in Education September 2021

Under no circumstances should a volunteer/work experience person in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.⁶⁷

The college will obtain an enhanced DBS certificate (which should include the relevant barred list check) for all volunteers/work experience people who are working in regulated activity.

14.3.2 Supervised Volunteers/Work Experience People

Volunteers/work experience people whose contact with children is always supervised by another individual who is in regulated activity (e.g. a teacher) are not deemed to be in regulated activity. In this circumstance, employers are not legally permitted to request barred list information on a volunteer/ work experience person who is not in regulated activity i.e. because they are supervised.⁶⁸

If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory guidance must be followed.

The guidance requires that:

- There must be supervision by a person who is in regulated activity;
- The supervision must be regular and day to day
- The supervision must be “reasonable in all the circumstances to ensure the protection of children.”⁶⁹

Under no circumstances should a volunteer/work experience person in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.⁷⁰

The college may obtain an enhanced DBS certificate (not including barred list information), for volunteers/ work experience person who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers.

The College will use their professional judgement, experience and discuss with the relevant line manager, when deciding whether to seek an enhanced DBS check for any volunteer/ work experience person not engaging in regulated activity.⁷¹

In doing so they will consider:

- The nature of the work with children
- 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 suitability
- Whether the role is eligible for an enhanced DBS check

14.4 Volunteers/Work Experience People and Secretary of State Prohibition Order Check

A Prohibition Check will be conducted on any volunteers/work experience person engaging in roles that require a child and/or adult barred list check.

⁶⁷ Paragraph 287, Page 72 – Keeping Children Safe in Education September 2021

⁶⁸ Paragraph 291, Page 72 – Keeping Children Safe in Education September 2021

⁶⁹ Paragraph 292, Page 73 – Keeping Children Safe in Education September 2021

⁷⁰ Paragraph 282, Page 72 – Keeping Children Safe in Education September 2021

⁷¹ Paragraph 288, Page 72 – Keeping Children Safe in Education September 2021

14.5 Risk Assessments for Volunteers/Work Experience

All volunteers that have not had a DBS check will be subject to a [Risk Assessment](#), which must be approved prior them commencing employment. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the HR Officer. The risk assessment form must be kept for future reference.⁷²

14.6 Online Barred List Check

In the case where a DBS check has not been returned prior to the start of the assignment (in relation to a role that is in regulated activity) an online barred list check must be successfully obtained by the HR Unit, using the TRA, Employer Access service. In addition, a risk assessment completed by the relevant line manager, before a decision will be made by the HR Manager to approve that the volunteer/work experience person can commence their agreement.

14.7 Volunteers/Work Experience SCR

Volunteers/Work experience and the checks that have been completed, will be recorded on the [Volunteers/Work Experience](#) section of the Single Central Record.

15 CONSULTANTS

15.1 Consultants Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Consultants. Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Consultants.

15.2 Verifying Identity of a Consultant

The HR Assistant will check that the identity of the person presenting themselves for the consultant role, by requesting that they bring photographic identification in at the start of their assignment. A copy of the ID will be taken and will be kept along with the rest of the recruitment paper work in relation to the consultant and their consultancy agreement.

15.3 DBS Checks for Consultants

DBS check will be carried out in line with the procedures detailed in [9.2](#)

The HR Assistant will contact the individual and request that they bring in the relevant documents at the start of their agreement (regardless of the length) to ensure timely completion of the DBS check as per 15.3.1 and 15.3.2.

15.3.1 Consultants – Roles that Require a Child and/or Adult Barred List Check

The college will obtain an enhanced DBS certificate (including the relevant barred list check) for all consultants working in a role that requires a child and/or adult barred list check, prior to the commencement of their consultancy agreement.

Under no circumstances should a consultant in respect of whom no checks have been obtained be left unsupervised.

⁷² Paragraph 288-289, Page 72 – Keeping Children Safe in Education September 2021

15.3.2 Consultants Working Remotely

The HR Manager in conjunction with the relevant line manager will use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any consultant working remotely.

15.4 Consultants and Secretary of State Prohibition Order Checks

A Prohibition Check will be conducted on any consultants engaging in roles that require a child and/or adult barred list check.

15.5 Risk Assessment

An approved [risk assessment](#) must be in place until a DBS check is in place for all consultants where a DBS check is required and it has not been returned prior to the start of their agreement. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the HR Officer. The risk assessment form must be kept for future reference.

15.6 Online Barred List Check

In the case where a DBS check has not been returned prior to the start of the assignment (in relation to a role that required a child and/or adult barred list check), an online barred list check must be successfully obtained by the HR Unit, using the TRA, Employer Access service. In addition, a risk assessment completed by the relevant line manager, before a decision will be made by the HR Manager to approve that the volunteer/work experience person can commence their agreement.

15.7 Consultants SCR

Details of the consultant and the safer recruitment checks will be recorded on the Consultant section of the SCR.

16 TRAINEE TEACHER PLACEMENTS

16.1 Trainee Teacher Placement Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Trainee Teachers. Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Trainee Teachers.

16.2 Verifying Identity of a Trainee Teacher Placement

The HR Assistant will check that the identity of the person presenting themselves for the trainee teacher placement, by requesting that they bring photographic identification in at the start of their assignment. A copy of the ID will be taken and will be kept along with the rest of the recruitment paper work in relation to the trainee teacher and their placement agreement and welcome letter.

16.3 DBS Checks for Trainee Teacher Placement

Where applicants for initial teacher training are salaried by the school or college, it is the responsibility of the school or college to ensure that all necessary checks are carried out. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provide to carry out the necessary checks.⁷³

⁷³ Paragraph 278, Page 71 – Keeping Children Safe in Education September 2021

The HR Assistant Recruitment will obtain written confirmation via the Single Central Record form that all pre-employment checks have been carried out by the provider and that the trainee has been judged by the provider to be suitable to work with children.

For clarity, it is expected that the following checks should be undertaken for trainee teacher placements.

- Enhanced DBS check (including Barred list check)
- Prohibition List check
- Childcare (Disqualification) Act confirmation – for programmes with qualifying placements only
- Separate Barred List check (if a trainee's DBS check is delayed)

The HR Assistant Recruitment will verify the individuals ID on the first day of their assignment and ensure that all the required information is recorded on the Volunteers/Work experience section of the Single Central Record (SCR). Whilst, it is not a legal requirement for the College to record this information, as an organisation we have made the decision to do so.

17 THIRD PARTY

On offer of employment to a new employee, third party organisations (for example Wanderlust) are required to complete a [Third Party SCR form](#). The relevant manager is then required to send this form to the HR Assistant to notify them that a new employee is commencing employment with the company. This form is written verification that confirmation⁷⁴ has been received that the company have carried out the relevant checks, such a reference, right to work in the UK and what level of DBS check has been conducted, in respect of their employee.

On receipt of the Third Party SCR Form, the HR Assistant will ask that the relevant manager request their new member of staff present themselves (along with photographic identification) at the HR Unit (in advance of their start date), in order for the HR Assistant to check that the person presenting themselves for work is the same person on whom the Third Party SCR form has been completed for and whom the company have confirmed that the safer recruitment checks have/will be carried out on.

Third party organisations complete their own safer recruitment checks and confirm in writing to the college that these checks have been completed by the return of the Third Party SCR form.

An approved [Third Party Risk Assessment form](#) must be in place until a DBS check is in place for all relevant employees. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the HR Officer. The risk assessment form must be kept for future reference.

18 COMMERCIAL ROLES

Lincoln College provide commercial services in the form of Hospitality & Catering at Lincoln City Football Club, Corner House and within Deans, Sport & Leisure Facility. All new appointments to the College's commercial roles are subject to satisfactory clearance of an enhanced DBS check and any other Safer Recruitment checks deemed appropriate.

In order to ensure that business needs are met and due to the flexible nature of the commercial opportunities, individuals can commence their assignments prior to obtaining satisfactory clearance of an enhanced DBS check, under the measures of a risk assessment, reviewed and approved by the relevant HR Officer. However, this is on the proviso that candidates supply the HR Assistant Recruitment with all necessary DBS documentation in advance of their start date, a DBS check will then be obtained after 3 weeks of the student working for us.⁷⁵

⁷⁴ Paragraph 252, Page 65 – Keeping Children Safe in Education September 2021 and section 11 of The Further Education (Providers of Education) (England) Regulations 2006.
⁷⁵ As of 01 February 2020

19 CAREER BREAKS

A career break provides the opportunity for employees to take an extended unpaid break from employment, to undertake caring responsibilities, long-term full-time study or voluntary work.

Further information in relation to eligibility grounds, the process to be followed when requesting and returning from a career break can be viewed within the [Flexible Ways of Working Policy](#).

Once it has been confirmed that an employee is returning to work from their career break, if the individual has had a break of three months or more, it is best practice to undertake a DBS check (including Barred list check if required) before they return to work. ⁷⁶

20 LIST OF ASSOCIATED DOCUMENTS

20.1 General Safeguarding Legislation

- [Keeping Children Safe in Education](#)
- [Working together to Safeguard Children 2018](#)
- [Regulations 20-25 and the Schedule to the Further Education \(Providers of Education\) \(England\) Regulations 2006](#)
- [Definition of Regulated Activity](#)

20.2 Prohibition Orders

- [AoC Guidance \(Saved in the Private Area of the HR T-Drive > Recruitment & Selection > DBS & Safeguarding > Safeguarding\)](#)

20.3 DBS Checks

- [Government ID Checking Guidelines for DBS Checking document.](#)
- [Levels of DBS Checks](#)
- [Child Workforce Factsheet](#)
- [Regulated Activity with Children](#)
- [Adult Workforce Factsheet](#)
- [Regulated Activity with Adults](#)
- [HM Government factual note on regulated activity in relation to children scope.](#)
- [Rehabilitation of Offenders Act 1974.](#)
- [Spent Conviction Timescales](#)
- [Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.](#)
- [eSafeguarding privacy policy](#)
- [DBS privacy policies](#)

20.4 Right to Work in the UK

- [Code of Practice on Preventing Illegal Working](#)
- [An Employers Guide to Right to Work Checks](#)
- [Employers Guide to Acceptable Right to Work Documents](#)
- [Frequently Asked Questions – Illegal Working](#)

20.5 Employment References

- [Employment References - AoC Guidance – March 2018](#)
- [First Reference Request Form](#)
- [Second Reference Request Form](#)

⁷⁶ AoC advice obtained on 27 January 2021

20.6 Internal Policies and Forms

- [SCR Key](#)
- [Risk Assessment Form](#)
- [Lincoln College Recruitment and Selection Code of Practice](#)

20.7 Volunteers/Work Experience

- [Volunteer or Work Experience Application Form](#)
- [Volunteer or Work Experience Request Form](#)
- [Volunteer or Work Experience Risk Assessment](#)
- [Lincoln College Volunteer Policy](#)

20.8 Agency

- [Application Form](#)
- [Agency Request Form](#)
- [Agency SCR Form](#)
- [Agency Risk Assessment Form](#)

20.9 Consultants

- [Consultants Request Form](#)
- [Consultant Application Form](#)
- [Consultant Risk Assessment](#)

Appendix 1 – Levels of DBS Check

LEVELS OF DBS CHECKS – LAST REVIEW: NOVEMBER 2021

Enhanced DBS Check	Enhanced DBS Check + a Child Barred List Check	Enhanced DBS Check + an Adult Barred List Check	Enhanced DBS Check + a Child & an Adult Barred List Check
<p>Roles which don't meet the criteria set out in the Child Barred List check column i.e. Supervised volunteers, some temporary roles.</p>	<p>All posts (including commercial business posts such as employees based in Deans) where the employee:</p> <ol style="list-style-type: none"> 1. Works at the college on more than 3 days in a 30-day period or overnight between 2am and 6am with the opportunity for face to face contact with learners. 2. Has the opportunity, because of their job, to have contact with the learners in the establishment (this doesn't mean teaching, this means walking through campus, passing in the corridor, using the toilet etc.). 3. Work at the college for the purpose of the establishment. 4. It is not temporary or occasional work*. 5. It is not a supervised volunteer role. <p>*This excludes temporary roles via FER or in positions where there may be teaching of anyone under the age of 18 or where there is frequent unsupervised contact with learners.</p> <p>Governors – The role of Governor is not regulated activity however due to the fact the college is a specified place and therefore regulated activity, their DBS checks include a child barred list check.</p> <p>Consult the DBS Guidance for further information: DBS - Regulated activity in relation to children.pdf DBS - Child Workforce Guide</p>	<p>Any role where personal care may be provided to adults.</p> <p>Any role where the individual is employed as the line manager of someone who provides personal care to adults, even if they themselves are not providing personal care.</p> <p>Consult the DBS Guidance for further information: DBS - Regulated Activity with Adults in England.pdf DBS - Adult Workforce Guide</p>	<p>Any role (including FE Resources associates and un supervised volunteers) where they qualify for a child barred list check and are also providing personal care to adults i.e. Learning Support Assistants, Lecturers in Skills for Life and Foundation Studies, Technician/Learning Support Officers, Senco SEND roles, Assessment and Support Co-ordinators.</p> <p>Any role where the individual is employed as the line manager of someone who provides personal care to adults, even if they themselves are not providing personal care.</p>

Appendix 2 - Regulated Activity: Extract from KCSiE – Page 56

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. HM Government has produced Factual note on regulated activity in relation to children: scope.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or 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, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly.⁶⁶ Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. 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;⁶⁷
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

66 The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition 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), apart from driving vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

67 It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

Appendix 3 - Security features of a DBS certificate

It is essential that employers have processes in place that enable them to make safe recruitment decisions. As part of the decision-making process, employers must ensure they see an original DBS certificate. Copies or digital photographs are not acceptable and must be rejected.

A DBS certificate contains the DBS logo on the front face and contains a number of security features which can be used to verify whether it has been counterfeited or altered.

The areas to be aware of and examined are as follows:

- an original DBS certificate has printing on both sides; the paper size is 209mm width x 404mm length which is larger than A4
- the personal information print colour on the certificate is purple
- a 'crown seal' watermark repeated down the right-hand side of the certificate is visible both on the surface and when holding the certificate up to the light
- a background design with the word 'Disclosure' appears in a wave-like pattern across both sides of the document – on the front of the certificate this pattern is green and on the rear of the document this is purple

If you are unsure whether a DBS certificate is genuine, or you think that it may have been altered, you should contact the DBS immediately at FDIT@dbs.gov.uk.

DBS notifications sent to Registered Bodies via the e-bulk service for standard or enhanced checks, or to a Responsible Organisation via the basic web service, which reveal no information, may be transcribed in a letter format and will not be printed on DBS secure certificate paper. The electronic content can be included in a letter or document under the provision that the DBS logo must not be used. The DBS logo is a registered trademark in the United Kingdom, and the DBS does not allow or permit Registered Bodies or Responsible Organisations to use this logo.

Any letter should have a statement at the beginning that says, 'This is not a certificate issued by the DBS'. Neither the document nor associated guidance on the back of the DBS certificate, should be reproduced in such a way that an individual or organisation could believe it to be a DBS certificate within the meaning of sections 113A, 113B, 114 and 116 of the Police Act 1997.

If you are presented with a clear certificate and after checking the Update Service it states "no further information on certificate," please contact the DBS at FDIT@dbs.gov.uk, as the certificate may have been tampered with.

Appendix 4 – Temporary Changes to ID Checking guidelines DBS (COVID-19)

Guidance effective – 24 March 2020.

<https://www.gov.uk/government/news/covid-19-changes-to-dbs-id-checking-guidelines>

Due to current measures that have been put in place as a result of the coronavirus outbreak, we're aware that organisations are having difficulty following the DBS ID checking guidance.

Currently, when validating ID documents, it is best practice to carry the examination out face-to-face with a live video link as an alternative method. Under the current guidance, the ID checker must be in physical possession of the original documents so they can be checked for indicators of fraud.

As the public is being advised to work from home where possible, this is causing difficulties in receiving the physical documents and is delaying applications, and in some cases, preventing applications from being submitted.

To ensure that the necessary DBS checks can still be carried out, the DBS ID checking guidance will be changed for a temporary period.

The change will enable:

- ID documents to be viewed over video link
- scanned images to be used in advance of the DBS check being submitted

Please note, the change should only be implemented for urgent cases where it is not possible to follow the normal identity checking guidelines. The applicant must present the original versions of these documents when they first attend their employment or volunteering role.

The change will come into effect from 24 March 2020.

Update on 09 July - We are aware that it is taking longer than usual to process UK passport applications, as a result of the coronavirus (COVID-19) outbreak. In response to this, DBS will temporarily allow expired UK passports to be used for ID checking purposes, if within 6 months of their expiry date. The applicant must be in possession of their expired passport, to use it as an identity document.

Appendix 5 – Temporary changes to Right to work guidelines (COVID-19)

Guidance effective – 30 March 2020

<https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>

Right to work checks have been temporarily adjusted due to coronavirus (COVID-19). This is to make it easier for employers to carry them out.

As of 30 March 2020 the following temporary changes have been made:

- checks can now be carried out over video calls
- job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- employers should use the [Employer Checking Service](#) if a prospective or existing employee cannot provide any of the accepted documents

Checks continue to be necessary and you must continue to check the prescribed documents listed in [right to work checks: an employer's guide](#). It remains an offence to knowingly employ anyone who does not have the right to work in the UK. Because of COVID-19, some individuals may be unable to evidence their right to work. During this period, you must take extra care to ensure no-one is discriminated against as a job applicant or employee because they are unable to show you their documents. For more information, please see the [code of practice for employers: avoiding unlawful discrimination while preventing illegal working](#).

Conducting a right to work check during the temporary COVID-19 measures

- Ask the worker to submit a scanned copy or a photo of their original documents via email or using a mobile app
- Arrange a video call with the worker – ask them to hold up the original documents to the camera and check them against the digital copy of the documents
- Record the date you made the check and mark it as “adjusted check undertaken on [insert date] due to COVID-19”
- If the worker has a current Biometric Residence Permit or Biometric Residence Card or status under the EU Settlement Scheme you can use the [online right to work checking service](#) while doing a video call - the applicant must [give you permission to view their details](#)

If the job applicant or existing worker cannot show their documents

You must contact the [Home Office Employer Checking Service](#). If the person has a right to work, the Employer Checking Service will send you a 'Positive Verification Notice'. This provides you with a statutory excuse for 6 months from the date in the notice.

After the COVID-19 measures end

We will let you know in advance when these measures will end. After that date, you should follow the checking process set out in [right to work checks: an employer's guide](#).

You will be asked to carry out retrospective checks on existing employees who:

- started working for you during these measures
- required a follow-up right to work check during these measures

You should mark this check: "the individual's contract commenced on [insert date]. The prescribed right to work check was undertaken on [insert date] due to COVID-19."

The retrospective check must be carried out within 8 weeks of the COVID-19 measures ending. Both checks should be kept for your records.

The Home Office will not take any enforcement action against you if you carried out the adjusted check set out in this guidance, or a check via the Home Office, and follow this up with the retrospective check.

If, at the point of carrying out the retrospective check, you find your employee does not have permission to be in the UK you must end their employment.

If the check you have undertaken during the adjusted period was done in the prescribed manner, you do not need to undertake a retrospective check.

Update on 09 July - We are aware that it is taking longer than usual to process UK passport applications, as a result of the coronavirus (COVID-19) outbreak. In response to this, DBS will temporary allow expired UK passports to be used for ID checking purposes, if within 6 months of their expiry date. The applicant must be in possession of their expired passport, to use it as an identity document.

Update on 26 August 2021 - Guidance updated to reflect extended end date of 5 April 2022.

