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STUDENT DISCLOSURE AND BARRING SERVICE (DBS) CHECKS

1. INTRODUCTION

1.1. RECRUITMENT OF EX-OFFENDERS POLICY STATEMENT (STUDENTS)

- 1.1.1. Leicester College actively promotes equality of opportunity for all and welcomes applications from a wide range of applicants including those with criminal records. Student Risk Assessment is an important part of the Admissions process for all prospective students at Leicester College. The purpose of Risk Assessment is to identify and assess any applicant whose known behaviour or record of offences indicates that they may be a risk to themselves, other students, staff, visitors, or the College environment. Student Risk Assessment is one way in which the College works to provide a safe and inclusive environment.
- 1.1.2. As part of the College's Student Application and Risk Assessment procedures, students are required to disclose if they have any 'unspent convictions', have a duty to disclose arrests/charges immediately including any pending court cases, or if they are charged with any criminal offence either at application stage or during their course.
- 1.1.3. Students undertaking a course that includes a mandatory work placement in a setting that is eligible for a Disclosure and Barring Service (DBS) check, including placements involving work with children, young people, or vulnerable adults, are required to disclose criminal record information. This includes any unspent cautions or convictions and any spent cautions or convictions that are not protected (filtered) under current DBS filtering rules.
- 1.1.4. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) specifies the professions, occupations, offices, employments and work that are exempt from the usual protections of the Rehabilitation of Offenders Act 1974 and therefore require disclosure of relevant criminal record information. DBS filtering rules determine which cautions and convictions are protected and need not be disclosed. These rules are set out in legislation governing DBS

disclosures, including amendments to the Police Act 1997 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

1.2. LEGISLATION

- 1.2.1. Standard and enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates) and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks; they do not make them a requirement.
- 1.2.2. The Protection of Freedoms Act 2012 introduced significant changes to the criminal records and barring regime. Relevant provisions were implemented in stages between 2012 and 2013, including changes to regulated activity and barring arrangements. The Protection of Freedoms Act 2012 redefined regulated activity and reduced the scope of individuals eligible for barred list checks.
- 1.2.3. Where a work placement involves regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, students may be eligible for an Enhanced Disclosure and Barring Service (DBS) Check, with or without a barred list check depending on the nature of the activity. Such positions fall within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, which permits the College to ask applicants to disclose both spent and unspent convictions and cautions that are not protected under current DBS filtering rules. Protected cautions and convictions should not be disclosed and will not be taken into account by the College
- 1.2.4. Regulated activity is defined in Schedule 4 of the Safeguarding Vulnerable Groups Act (2006) as amended by the Protection of Freedoms Act (2012). It relates to activities for, towards, and/or on behalf of anyone who at that time may be considered anyone receiving activities that fall within the statutory definition of regulated activity.
- 1.2.5. Vulnerable adults' Terminology has largely been replaced in legislation and safeguarding guidance. The Safeguarding Vulnerable Groups Act definition was amended and no longer classifies individuals simply as "vulnerable adults." Now referred to as either; 'adults at risk' or 'adults receiving regulated activity'.
- 1.2.6. Regulated Activity is defined differently for children and adults. It includes activities such as personal care, healthcare and childminding. For adults, certain activities, such as providing healthcare or personal care, may constitute regulated activity even if undertake only once. For

children, regulated activity includes certain specified activities and work carried out in specified establishments, including schools, children's homes, childcare premises and nurseries, where the statutory criteria for regulated activity are met.

- 1.2.7. In addition to DBS-specific legislation, the College's approach to safeguarding and safer recruitment is informed by the Children Act 1989, Children Act 2004, Working Together to Safeguard Children, Keeping Children Safe in Education (KCSIE), the UK General Data Protection Regulation (UK GDPR), and the Data Protection Act 2018.

1.3. FILTERING

- 1.3.1. Filtering rules were first introduced on 29 May 2013 and have subsequently been amended. Leicester College will apply the filtering rules in force at the time a DBS certificate is issued in accordance with current Disclosure and Barring Service (DBS) guidance.
- 1.3.2. Changes introduced in November 2020 removed the multiple conviction rule, and changes introduced in October 2023 amended the disclosure of certain cautions and convictions. As a result, certain protected cautions and convictions will not be disclosed on Standard or Enhanced DBS certificates.

1.4. DECLARING A CRIMINAL RECORD: ELIGIBILITY TO ASK EXEMPTED QUESTIONS'

- 1.4.1. An 'exempted question' is a lawful request for an individual to disclose their criminal record, including spent convictions and cautions where permitted by law. Protected cautions and convictions that are filtered in accordance with current DBS legislation and guidance are excluded and should not be disclosed.
- 1.4.2. An exempted question applies where an individual is applying for a role, occupation, licence, or other position that is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. In these circumstances, an organisation may be legally entitled to ask about spent convictions and cautions that are not protected under current DBS filtering legislation.
- 1.4.3. Students on courses that involve a work placement with children and/or adults at risk, where the placement falls within an excepted position under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, are required to disclose both spent and unspent convictions and cautions, other than protected cautions and convictions that are subject to DBS filtering under current legislation and guidance.

These must be declared to the College's Risk Assessment Team. Failure to do so could result in exclusion from the College.

1.4.4. For further information on filtering, or declaring contact the Risk Assessment Team, or go to: [DBS filtering guide - GOV.UK](#)

1.5. BARRED LISTS

1.5.1. Prior to the establishment of the Disclosure and Barring Service (DBS) in December 2012, individuals who were considered unsuitable to work with children or vulnerable adults were barred from such work and their details were included in one or more of the following lists:

- Protection of Vulnerable Adults (PoVA) List
- Protection of Children Act (PoCA) List
- List 99

1.5.2. Inclusion in one or both barred lists may result from relevant convictions, cautions, referrals, or other safeguarding information. The DBS considers this information through its statutory barring process to determine whether an individual poses a risk of harm to children and/or adults in regulated activity.

1.5.3. It is a criminal offence for an employer or organisation knowingly to employ, engage, or permit an individual who is barred to undertake regulated activity from which they are barred, whether in paid employment, a work placement, or a voluntary role.

1.5.4. For positions involving regulated activity, an Enhanced DBS Check with the appropriate barred list check (Children's Barred List, Adults' Barred List, or both) may be requested where permitted by legislation. The eligibility criteria for regulated activity differ for children and adults, and barred list checks may only be requested where the relevant statutory requirements are met.

1.5.5. These are different from the rules for regulated activities for adults. In order to request a barred list check, these must be met.

1.5.6. All DBS certificate checks must be seen by the DBS Team. Where there is something contained on a DBS certificate, it must be referred to the Risk Assessment Manager. Contact details at the end of the Policy.

1.6. REGULATED ACTIVITY¹: BARRED LIST CHECK

Source: Department for Education (DfE) Statutory Guidance, Regulated Activity (Children): Supervision of Activity with Children which is Regulated Activity when Unsupervised (December 2013).

- 1.6.1. Regulated activity is work that a person who has been barred by the Disclosure and Barring Service (DBS) must not undertake. The Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, sets out the activities and roles that constitute regulated activity in relation to children and adults.
- 1.6.2. Individuals undertaking regulated activity will be eligible for an Enhanced DBS Check with the appropriate barred list check (Children's Barred List, Adults' Barred List, or both), where permitted by legislation. There are specific statutory rules governing regulated activity with children, which differ from those that apply to regulated activity with adults.
- 1.6.3. The definition of regulated activity relating to adults is based on the activities being provided to an adult, rather than the adult's personal characteristics or the setting in which the activity takes place. An adult is within the scope of adult regulated activity when they receive one of the activities defined in legislation, such as healthcare, personal care or social work. The definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, it identifies specific activities which, when provided to an adult because of their age, illness or disability, fall within the legal definition of regulated activity.
- 1.6.4. Individuals working in roles that do not meet the definition of regulated activity, for example because they are subject to appropriate supervision when working with children, may still be eligible for an Enhanced DBS Check but not for a barred list check. Students undertaking work placements with children and/or adults may therefore require either an Enhanced DBS Check or an Enhanced DBS Check with a barred list check, depending on the nature of the placement and the applicable legislation.
- 1.6.5. The Crime and Policing Act 2026 removed the supervision exemption for work with children. From 1 September 2026, changes to the definition of regulated activity mean that supervision no longer removes many child-facing roles from regulated activity status.

Where a person is:

- teaching,
- training,
- instructing,
- caring for, or
- supervising children

and does so **frequently** or meets the statutory "period condition" (more than 3 days in a 30-day period, or overnight), they are undertaking **regulated activity**, even if supervised.

- 1.6.6. Students undertaking placements involving the teaching, training, instruction, care or supervision of children may be undertaking regulated activity even where they are supervised. Placement providers and the College must ensure that the appropriate DBS checks are obtained in accordance with current legislation and DBS guidance.

1.7. REGULATED ACTIVITY: CHILDREN

- 1.7.1. Regulated activity with children is work that involves teaching, training, instructing, caring for, supervising, advising or guiding children and meets the frequency or period requirements set out in safeguarding legislation. Individuals undertaking regulated activity are eligible for an Enhanced DBS check with Children's Barred List information. From 1 September 2026, supervision does not remove an activity from the definition of regulated activity where the statutory criteria are met.

1.7.2. **Activity of a specified nature**

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

1.7.3. **Activity within specified establishment**

- Specified establishments include schools, academies, pupil referral units, nursery schools, educational institutions that are exclusively or mainly for children, children's homes, childcare premises, children's centres (England) and institutions for the detention of children.

1.7.4. **Healthcare of a child** (² any frequency)

- healthcare provided to a child by a health care professional or by a person acting under the direction or supervision of a healthcare professional.
- a health care professional who is a person regulated by a professional healthcare regulator (i.e., a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002).
- health care includes: all forms of health care provided for children and includes physical, mental and palliative health care; diagnostic tests and investigative procedures and procedures similar to surgical or medical care but not provided in connection with a medical condition.

1.7.5. **Personal Care of a child** (² any frequency)

- physical help with eating or drinking for reasons of illness or disability.
- physical help with toileting (including menstruation), washing, bathing or dressing for reasons of age, illness or disability.
- prompting together with supervision when a child is otherwise unable to decide for themselves in relation to any of the above personal care activities.
- training or advice given to a child in relation to any of the above personal care activities.
- Registered child-minding; and foster-carers.

1.8. REGULATED ACTIVITY: ADULTS

1.8.1. If any of the roles below are undertaken once, it is undertaking regulated activity³.

² Frequently means once a week or more or four or more times within any 30-day period

Overnight means once or more between 2am and 6am with the opportunity for face-to-face contact with children

Source: DfE supervision guidance of Regulated Activity with Children, Safeguarding Vulnerable Groups Act 2006

³ Carrying out the activity once is regulated activity.

Schedule 4, Part 2 (Regulated Activity Relating to Adults), as substantially amended by the Protection of Freedoms Act 2012

- 1.8.2. There are six categories of regulated activity relating to adults. The definition of adult regulated activity focuses on the activities being provided rather than the characteristics of the adult receiving them.

These are:

- Providing healthcare by a healthcare professional (or under their supervision) because of their age, illness or disability.
- Providing personal care – physical assistance or training, instructing or providing guidance because of their age, illness or disability
- Providing social work because of their age, illness or disability
- Assistance with general household matters because of their age, illness or disability.
- Assistance in the conduct of a person's affairs because of their age, illness or disability
- Conveying; a person who transports an adult because of their age, illness or disability.

- 1.8.3. To view all of the DBS eligibility Guidance either go to our SharePoint site where you can access the links:

[https://myleicestercollegeac.sharepoint.com/sites/teams/curriculumandquality/curriculumprogrammesteam/SitePages/Disclosure-and-Barring-Service-\(DBS\).aspx](https://myleicestercollegeac.sharepoint.com/sites/teams/curriculumandquality/curriculumprogrammesteam/SitePages/Disclosure-and-Barring-Service-(DBS).aspx)

- 1.8.4. Or you can access the document guides through the DBS website:
[Regulated activity with children in England and Wales - GOV.UK](https://www.gov.uk/guidance/regulated-activity-with-children-in-england-and-wales)

2. PURPOSE

- 2.1. For the purpose of this Policy, Enhanced Disclosure and Barring Service Checks are referred to as 'DBS Checks'.
- 2.2. The DBS Team within Student Services carry out the DBS Checks for cohorts of students who attend mandatory work placements with children and/ or adults as part of their course.
- 2.3. The minimum age for DBS Checks is 16. We cannot request a Check for students that are under 16 at the time of the application.
- 2.4. The *Student Risk Assessment (Criminal Convictions) Policy* (SS012) details the College's Risk Assessment process and procedures, for working within existing equalities legislation for the recruitment of ex-offenders on courses at the College. It also details the process for **positive** DBS Certificates; that is where a certificate shows a conviction/s, caution/s, police force information.

[Governance and Policy - Student Risk Assessment \(Criminal Convictions\) Policy.pdf - All Documents](#)

- 2.5. Leicester College processes criminal conviction and DBS information where permitted by Article 10 UK GDPR and Schedule 1 of the Data Protection Act 2018. Processing is undertaken where necessary for safeguarding children and adults at risk, preventing or detecting unlawful acts, complying with safeguarding and statutory obligations, and assessing suitability for positions involving regulated activity. An appropriate Article 6 UK GDPR lawful basis also applies, such as compliance with a legal obligation, performance of a task carried out in the public interest, or legitimate interests, as applicable.
- 2.6. The College uses an external company/s to facilitate the online DBS checks. This involves using their secure platform to complete the online application process, recording ID used to confirm an identity, including where applicable numbers, Dates and names on documents such as passport, birth certificate, and drivers licence information.
- 2.7. The College's Privacy Notice in relation to risk assessments states how we use, store and process information from positive certificates. We process general College student information for DBS in line with the Leicester College Privacy Notice. For Positive DBS Checks, these fall under the *Student Risk Assessment (Criminal Convictions) Policy* (SS012) and the Risk Assessment Privacy Notice.
- 2.8. DBS have a Standard and Enhanced Privacy Policy that anyone going through the process, must have read and formally declared this. When a student applies for an online DBS check, they will need to confirm they have read the Privacy Policy before submitting their application form.
- 2.9. For courses with work placements, that meet the eligibility for a DBS check, Programme Leads are required to complete and submit the DBS Check Proforma detailing their course requirements. This includes the date they start placement, the number of hours, frequency, the level of Check, whether it is for a Child, Adult or Child and Adult workforce, and whether a barred list check (adults and, or children) is required. They are also required to confirm that each course meets legislation for requesting a DBS Check and that have used the DBS eligibility tool when making the decision. <https://www.gov.uk/find-out-dbs-check>

For all course checks:

[DBS Proforma \(Please complete in Classic SharePoint only\) - Academic Year 2026-27](#)

For individual student checks:

[DBS Referral \(Complete in Classic SharePoint Only\) Please request 6 weeks before placement, student MUST HAVE A DBS CHECK, we will not accept employers checks \(other than STALIS Course\) MUST NOT BE ON PLACEMENT CURRENTLY - All Items](#)

- 2.10. DBS Checks cost a considerable amount of money for the College. It is therefore important financially and legally that we are not conducting a check that isn't needed.
- 2.11. The College covers the cost of x1 DBS check for a 16-19 student on a course with a mandatory work placement as part of their main qualification, subject to it being eligible under current legislation. If a student loses a Certificate, they will need to pay to have another.
- 2.12. Students 19 or over on 1st September (i.e., at the start of their course), will be required to pay £49.50 for the DBS Check. **This fee is non-refundable.** The fee is paid by the student as part of the online application.
- 2.13. The DBS Team starts the process in May, targeting course codes in order of priority of placement start dates. The process takes a significant amount of time to complete. Delays are normally because of students not responding to our comms, failing to complete the application form, failing to respond to booking requests, or attend appointments, and not having the correct forms of ID verification.
- 2.14. The College does not decide what forms of ID we can use. This is set by The Disclosure and Barring Service. A minimum of 3-5 forms of ID must be seen. Only original copies of documents can be accepted. They must meet the issuing date criteria, i.e. all documents have their own date criteria – bank statement no older than 3 months, for example.
- 2.15. DBS ID checklists and verification forms are completed with every application form. The DBS team ticks which ID they have seen from which Route. Copies of the ID are taken, the number, issue date, name are recorded on the evidence form and the copies are shredded. The ID checklist/ verification form is uploaded to the student's database record.
- 2.16. The DBS Team and Work Placement Coordinators (WPC) have responsibility for checking all DBS Certificates. Students are **not permitted** to attend a work placement without showing their DBS certificate to the DBS Team, or WPC, which must be **prior** to their commencement on a placement. The DBS team can instruct a student to cease their placement if it is found they are attending and without their DBS having been checked.

- 2.17. A record is kept of every certificate; certificate number, issue date and whether it is clear. WPC checking Certificates record this via the DBS SharePoint site. The College is not allowed to share certificate numbers with any external placement. The onus is on the work placement to view the Certificate themselves as part of their safeguarding checks before a student starts a placement with them.
- 2.18. If a student has a positive DBS Certificate, that means they have a conviction, caution, or other information held by the Police. They must not start a work placement without the necessary clearance from the Risk Assessment Team and Curriculum Director. See, *Positive DBS Checks Procedure*.
- 2.19. The DBS Team maintains a restricted DBS database that is linked to the College EBS system. We upload the ID checklist and ID verification form, student Privacy Policy confirmation declaration form.
- 2.20. DBS certificates do not have a statutory expiry date; however, Leicester
- 2.21. College requires a DBS certificate to be renewed after two academic years for placement and safeguarding purposes. The certificate is only an accurate record of information held at the date of issue.
- 2.22. Many students will do more than one placement during their two years and could do placements within both child and adult workforce. In these cases, as long as the placements and type of work meets the DBS Eligibility criteria, a Child and Adult workforce DBS Check will be done to cover both placements.
- 2.23. DBS offers an Update Service; The Disclosure and Barring Service (DBS) Update Service, allows applicants to keep their DBS certificates up-to-date and allows employers to check a DBS certificate online, so that they can take it with them from role to role within the **same** workforce, as long as the check is the **same workforce and level**. Registration costs £16 per year (payable by debit or credit card only). Students can choose to register to this service but must do it within **30 days of receiving the certificate**. Information is on the College's website, and information is given to students at their appointment by the DBS Team.
- 2.24. Leicester College does not support the use of 'portability'. It is not standard practice for Leicester College to accept DBS Certificates from other organisations. Students will need a new DBS check, unless they are signed up to the Update Service or, are on a *STALIS or similar course, where their employed place of work, is also their placement. Students will need to speak to the DBS team to check if their existing DBS is the same level and,

workforce required. It is at the discretion of the Curriculum Director, whether the existing employer's DBS Check can be accepted for these purposes only.

- 2.25. Where a student is subscribed to the DBS Update Service and the workforce, level of check and barred list status (where applicable) match the requirements of the placement. Once a member of the DBS team has verified their update service is 'clear', we will accept it in accordance with DBS guidance.
- 2.26. Under no circumstances should DBS Certificates be reproduced, photocopied, scanned, copied, or shared with anyone not entitled to see it, as this would constitute a breach of the DBS Code of Practice.

3. **DBS PROCEDURE**

- 3.1. Up to 500 students require DBS Checks each year. A DBS check must be completed, and the Certificate verified **before** a student starts the placement. Students are **not** permitted to be on a work placement without their Certificate being verified and logged. The DBS can instruct a student to cease a work placement with immediate effect, if we find out they are on placement without completing this process. DBS Checks are only completed for students who go on a *mandatory work placement as part of their qualification*.
- 3.2. As many courses go on placement within the first month of starting, the DBS Team contacts applicants from May, with an initial introduction email outlining that they will need a DBS, and what they will need to do in terms of completing an application form, and getting the right forms of ID. The College has its own DBS section on the College's website. Students are sent the link to the information [Student DBS Checks - Leicester College](#) It has information on DBS including a Q+A, which outlines the process from start to end [DBS ID Information - Leicester College](#) the ID checklist and routes of identification that can be accepted. The team follow up by calling the student to establish what ID they have. Texts and letters are also sent if we have no response to calls. Students will receive an email from e-Safeguarding, Protocol Group, which includes a link to complete the application form. An email is sent from the DBS Team, with a link to book an appointment to show their ID. Following completion of the application form, and verification of their ID, students are sent a text with booking link to show their Certificate.
- 3.3. Students are required to provide a minimum of **3** original identity documents from either Route 1, or **5** documents from Route's 2a and 2b or 3. Route 1 Primary Documents are the gold standard and include; current valid passport, Biometric Residence Permit (BRP), current UK photocard driving licence (full or

provisional), birth certificate issued at the time of birth (UK, Isle of Man and Channel Islands) UK adoption certificate.

- 3.4. Students should be advised by staff at welcome events, and at the Experience Day about DBS checks, and what Identification evidence is needed for their appointment.
- 3.5. The DBS team will also Check that non-UK nationals have the right to study. Before their applications can be progressed, non-UK national students will need either:
- an **EUSS/eVisa share code** to confirm their immigration status and right to study; or
 - a **Fee Assessment** to determine their fee status and residency eligibility.

No applications for non-UK can be submitted without these checks.

- 3.6. We use a company called e-Safeguarding, Protocol group to facilitate the DBS checks. The DBS Team are responsible for creating a student application record on the e-Safeguarding system. This triggers an email from e-Safeguarding with a link to an online application form and their Fair Processing Privacy Policy. The application form link stays valid for up to 3months, after that, a new application would need to be created by the DBS team.

Following the completion and submission of the application, students are contacted to book an appointment with the DBS team to verify their details and bring in their 3-5 forms of ID. Once the team has entered the ID information seen, have verified the student's details, they submit the application. The application is then checked and countersigned by e-Safeguarding and submitted to the DBS. Certificates are normally sent to the student within 2 weeks.

- 3.7. DBS has a sensitive applications team that help with transgender applications. The DBS Team is able to guide transgender applicants through the confidential process.
- 3.8. Students persistently failing to comply with the process will be referred to the Programme Leads for non-compliance.
- 3.9. The DBS Team liaise closely with the relevant work placement co-ordinators, tutors and Programme Leads, to proactively encourage students to cooperate with the DBS process.
- 3.10. The DBS has a Tracking Service for students to check the progress of their DBS check; students will need the form reference number, and their date of
- Student DBS Checks Policy

birth. The details of the tracking service including the reference number and contact details are given to students at their DBS appointments.

- 3.11. When a student receives their Certificate, they must contact the College's DBS Team or work placement co-ordinator to book an appointment to show their DBS Certificate. Only when the Certificate has been verified by the DBS Team, or, work placement coordinator, can a student commence a work placement.
- 3.12. Students with a positive Certificate are referred to the Risk Assessment Manager for processing under the *Student Risk Assessment (Criminal Convictions) Policy* (SS012).
- 3.13. If a student loses their DBS Check, they will need to re-apply and pay £49.50 for a replacement.
- 3.14. The College DBS Check is valid for two academic years provided the student stays in continuous learning at the College.
- 3.15. If a student has subscribed to the DBS update service, the College will be able to access the update service to carry out free, instant online status check on the student's DBS certificate, provided it is for the right workforce, level and if applicable, barred list, we can accept it. The student will need to satisfy a robust ID check before this can be actioned. For more information on this go to: <https://www.gov.uk/government/publications/dbs-update-serviceapplicant-guide>
- 3.16. Staff are not permitted to give out student DBS certificate numbers as this is in breach of DBS Policy.
- 3.17. All information relating to a student's DBS Check is confidential. Details of a positive disclosure are kept with the Risk Assessment team and processed and stored in relation to the Risk Assessment Policy and Privacy Notice.
- 3.18. POSITIVE DBS CERTIFICATE PROCEDURE
 - 3.18.1. Certain convictions and cautions are subject to filtering rules; this means that in some cases old and minor convictions and cautions will no longer show on a DBS Certificate and cannot be taken into consideration. However, some offences will never be removed. These include the most serious sexual and violent offences. For further information on filtering contact the Risk Assessment Manager.

- 3.18.2. If the DBS Certificate is **positive**, this means that the student has a criminal record that isn't subject to the filtering rules. When a student presents a positive disclosure, the Risk Assessment Manager should be notified. The Risk Assessment Team will then process that disclosure as part of the *Student Risk Assessment (Criminal Convictions) Policy*, refer to Policy SS012. ***It is a mandatory requirement that students declare a criminal record when applying.***
- 3.18.3. Students with a positive DBS check are not permitted to commence a work placement without clearance from the Risk Assessment Team and relevant Programme Lead. Supported Learning operate a slightly different process due to the vulnerability of the students. In these instances, any student with a positive DBS certificate will be referred to the Programme Lead.
- 3.18.4. The existence of a criminal record will not automatically prevent a student from attending Leicester College or undertaking a work placement. Decisions are made on a case-by-case basis.

3.19. POSITIVE CERTIFICATES -RISK ASSESSMENT PROCESS

- 3.19.1. If a student has serious conviction/s or extensive criminal record they have failed to disclose, the student should be suspended immediately pending a Risk Assessment. The student may also be immediately excluded for failing to declare, or on the basis of 'risk' (see the *Student Risk Assessment (Criminal Convictions) Policy* (SS012)).
- 3.19.2. If the student **is previously known** to the Risk Assessment Team, it may not be necessary to see the student. In these cases, the Risk Assessment Manager will liaise with relevant Programme Lead.
- 3.19.3. If a student **is not cleared** through the Risk Assessment process, the Risk Assessment Team will inform the Programme Lead, work placement coordinator and Director, and proceed to withdraw the student. In some circumstances, it may be possible to transfer to another course as an alternative where risk is not the identified concern.
- 3.19.4. If a student **is** approved through the process, the Risk Assessment Manager they will inform the work placement coordinator and Programme Lead who will decide if the student is suitable to go on work placement. If it is decided that the student **is** suitable for a work placement, arrangements should then be made for this to commence. The student will receive approval in writing from the Risk Assessment Team. They will need to produce the letter with their positive DBS certificate on commencement of the work placement. It

is then up to the Individual placement to decide if they will take the student.

- 3.19.5. If the work placement coordinator, or Programme Lead decides that student is **not** suitable for a work placement, they should make arrangements to meet with the student to discuss their future options. Where possible, students who are not considered suitable for a work placement should be offered the opportunity to transfer course. A careers appointment should also be arranged.
- 3.19.6. If a member of staff involved needs to contact a provider about a possible work placement for a student who has a positive DBS certificate, **under no circumstances** should the student's details be disclosed, as it would be in **breach of GDPR**.

3.20. SHARING INFORMATION ABOUT STUDENTS WITH POSITIVE DBS CERTIFICATE

- 3.20.1. The College doesn't make or keep any copies of DBS Certificates. We only share relevant positive DBS certificate information with staff on a need-to-know basis, in the course of their specific duties relevant to recruitment and vetting processes. See the Risk Assessment Policy for further details on students with positive disclosures.
- 3.20.2. The following staff are permitted to be aware of the details contained within a student's positive DBS certificate to enable them to carry out their roles effectively. This will, however, be shared on a need-to-know basis by the Risk Assessment Manager:
- Disclosure and Barring Service Team Administrators
 - The relevant Director and *staff involved with work placements.
 - Deputy Principal Finance and Corporate Services
 - Director of Student Services and Marketing

3.21. SHARING OUR PROCEDURES WITH WORK PLACEMENT PROVIDERS

- 3.21.1. Staff involved with work placements are encouraged to share the College's Risk Assessment procedures with work placements, so that they are familiar with the processes we carry out to ensure that students we send on work placements are low risk. Work placement providers should be advised that students who have been cleared to attend, will have a Risk Assessment clearance letter.

- 3.21.2. If a student arrives at a work placement with a positive DBS certificate, but without a clearance letter from the Risk Assessment Team, the work placement should be advised not to accept the student and to contact the Risk Assessment Team straight away.
- 3.21.3. See DBS Procedure flow chart in appendix 1.

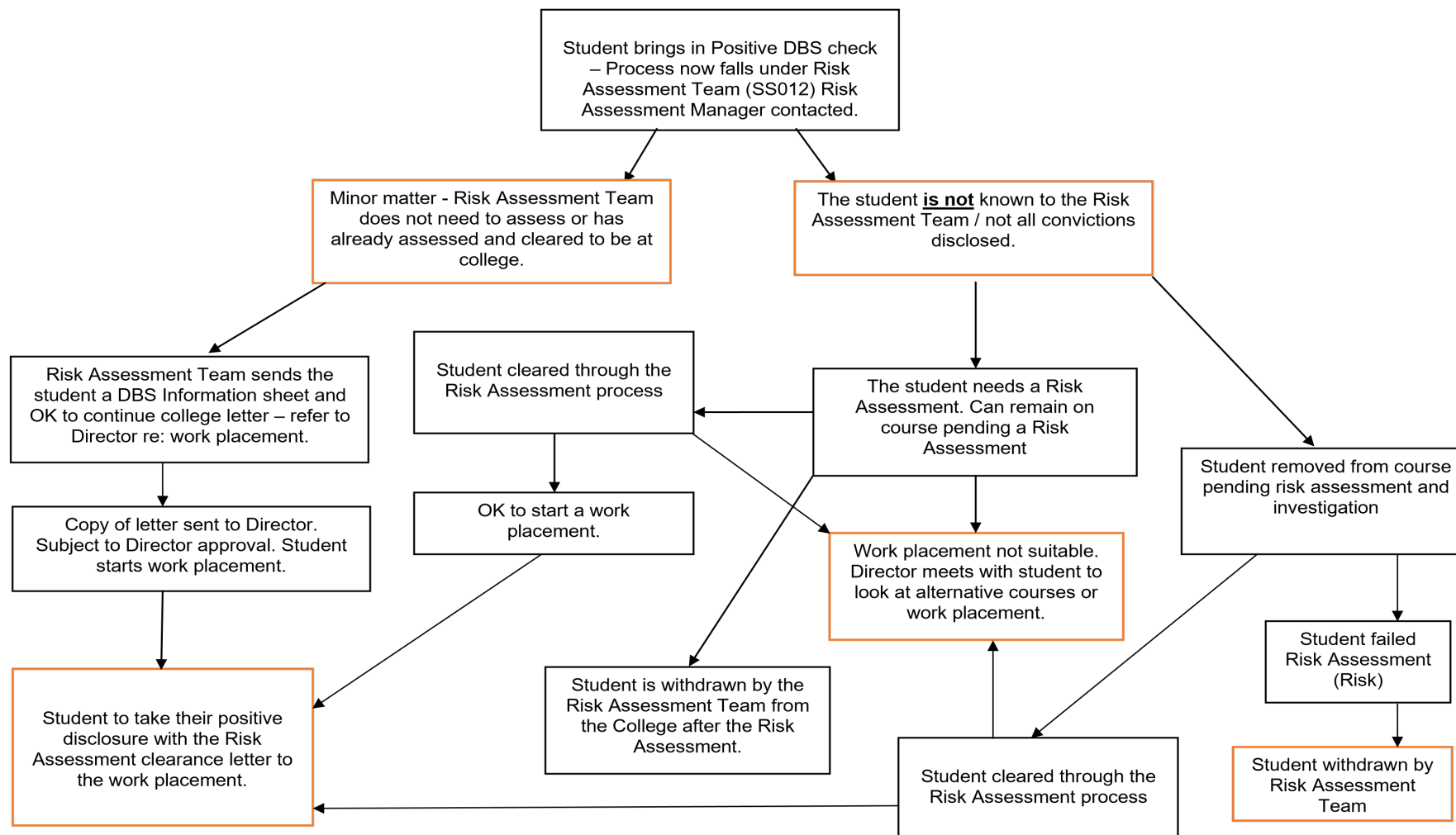
4. CONTACTS

- 4.1. The DBS team SharePoint site where you will find all the resources and forms.
[https://myleicestercollegeac.sharepoint.com/sites/teams/curriculumandquality/curriculumprogrammesteam/SitePages/Disclosure-andBarring-Service-\(DBS\).aspx](https://myleicestercollegeac.sharepoint.com/sites/teams/curriculumandquality/curriculumprogrammesteam/SitePages/Disclosure-andBarring-Service-(DBS).aspx)
- 4.2. To contact the DBS team, please use the team's email:
dbs_team@leicestercollege.ac.uk
- 4.3. For Risk Assessments contact:
Student_risk_assessment@leicestercollege.ac.uk

5. COMMUNICATION AND REVIEW

- 5.1. This policy will be made available on Staff Net and the College Website. It will be reviewed at least every three years.

POSTIVE DBS CHECK PROCESS



PRIVACY NOTICE DBS CHECKS

1. WHO WE ARE AND HOW TO CONTACT US

- 1.1. We are Leicester College (the “College”). This Privacy Notice explains how we collect, use, store, and share your personal data when you are required to undergo an enhanced Disclosure and Barring Service (DBS) check to complete a work placement with children and/or adults receiving regulated activity, as part of your qualification. This will also include a check of the child and / or adult barred lists as part of the ‘Regulated Activity’ work that you will be undertaking.
- 1.2. For the purposes of applicable data protection law (mainly the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), we are the “controller” of your personal information. That means that we determine the purposes and the means of using your personal information (i.e. “why” and “how” your personal information is used), and that we take on legal obligations to you.
- 1.3. When an individual applies for a criminal record check through the Disclosure and Barring Service (DBS), their identity must be verified by the Registered Body. Leicester College is a ‘Registered Body’ meaning that we must comply with the DBS Code of Practice. The Code of Practice is published under the Police Act 1997, s 122(2) and in particular the Police Act 1997 (Criminal Records) (Registration) Regulations 2006. It is intended to ensure and to provide assurance to those applying for standard and enhanced DBS Checks that the information released will be used fairly. The Code of Conduct also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary.
- 1.4. If you have any questions or queries which are not answered by this Privacy Notice or have any potential concerns about how we may use the personal data we hold, please write to the Data Protection Officer at Leicester College, Freeman’s Park Campus, Welford Road, Leicester, LE2 7LW or email dpo@leicestercollege.ac.uk.

2. WHAT INFORMATION DO WE HOLD ABOUT YOU?

2.1. Information we collect from you

We use the College EBS system to collect your name, date of birth, contact details, course details and person code, which is pulled through into our DBS Database. We also use a tracker which is a live document the team uses to

track when you have been contacted, appointments, whether you have completed the application booked an appointment to show your ID, have received your DBS certificate, and have booked an appointment and shown your certificate. We have a confidential DBS check request form on SharePoint which has your name, person code, date of birth and details of your course and details of your work placement, what level of DBS check is required and whether a barred list check is needed. Work placement coordinators and managers use this form to request a DBS check for you. We also have a confidential list on SharePoint if your work placement coordinator checks your certificate that they record the check reference number, date of issue, workforce and level.

2.2. We take a copy of the ID documents you showed us to verify your identification to record them on a DBS identification verification checklist, which we need to retain as part of your application. It is proof of your identity documents seen, which lists:

- the document type
- reference numbers
- issuing dates which on we have confirmed your identity
- DBS certificate number (linked in a separate record to your name, person code, workforce details and level of check)

Once we have recorded your ID documents on the DBS Identification verification checklist, they are confidentially shredded. Whilst this process takes place, the photocopied ID is kept in a non-portable locked filing cabinet kept in a locked office. We also keep the ID route checklist which shows which ID route you have followed, your course code, name, person code, name of the person who verified your ID, date.

2.3. We use e-Safeguarding who through their portal facilitate the DBS online application form, take payment for 19+ applications, countersign the application form, and submit to the DBS. When you complete the online application form, you are asked to consent to e-Safeguarding completing the application on your behalf. You are also asked to confirm that you have read the e-Safeguarding Fair processing Policy and the e-Safeguarding Privacy Policy that were sent to your email, and you need to confirm that you have read the DBS Privacy Policy and a link to the Policy is included, you also need to confirm to the electronic result which indicated whether the certificate is blank or to wait, and is sometimes used by a Registered body to inform an employer before the certificate is received. If you chose not to consent, the application will be discontinued, and you will be referred to the College.

2.4. We do not hold copies of your DBS application submitted through e-Safeguarding, and we do not keep a copy of your certificate.

- 2.5. We keep information contained in any correspondence by post, email, or other electronic communication through the DBS team. We will also keep any correspondence sent to you through the EBS system under Docs and Comms. We may record phone or video calls.
- 2.6. We may also obtain other information about you permitted by law from other sources. This may include from previous educational institutions, social services, the police, or other agencies.

Special Category Personal Data

- 2.7. Some of the information outlined above that we collect about you is regarded as sensitive by data protection law. Known as 'special category personal data,' this relates to information about your health, racial or ethnic origin, sex life, sexual orientation, religious beliefs, political opinions, trade union membership or any genetic or biometric data that is used to identify you. This information, and any information about criminal offences / convictions, warrants a higher level of protection under data protection law. We therefore apply additional safeguards and information security measures when using these types of your personal information.

3. WHY DO WE COLLECT THIS INFORMATION?

- 3.1. The College collects this data to administer the processes of completing DBS check, which is needed for work placements involving children or vulnerable adults as part of your course qualification, in line with DBS requirements for people who support, supervise, teach, train, oversee, conduct personal care, care for, and have regular contact with vulnerable groups.
- 3.2. Leicester College will only request an Enhanced Disclosure and Barring Service (DBS) check where the role is eligible under the relevant legislation. Eligibility for an Enhanced DBS check, including any barred list check(s), is determined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, together with the Police Act 1997 and associated Criminal Records Regulations. These legislative provisions establish eligibility for a DBS check but do not, in themselves, create a legal requirement for a check to be undertaken.
Where a role constitutes regulated activity with children or adults, as defined by the Protection of Freedoms Act 2012, the role will normally be eligible for an Enhanced DBS check and, where appropriate, a check of the relevant barred list(s).
Applicants for positions covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 are required to disclose criminal record information in accordance with current legislation and DBS guidance. Convictions and cautions that are protected under the current DBS filtering rules are not required to be disclosed and will not normally appear on an Enhanced DBS

certificate. Leicester College will process and consider criminal record information in accordance with its legal obligations, including those relating to safeguarding, data protection and equality.

4. WHO MIGHT WE SHARE YOUR INFORMATION WITH?

- 4.1. We will keep your information confidential but, in some instances, we may need to share it. Some of the most likely instances of where we may share your personal information are listed below.
- 4.2. If we are Compliance audited, we may be required to share your data with the Disclosure and Barring Service (DBS). We do not share your data with third parties without your consent.
- 4.3. If you tick the box on the application form to say that you have a criminal conviction, we will pass your name and person code to the Risk Assessment Team who will follow this up with you.

5. TRANSFERRING YOUR PERSONAL DATA TO OTHER COUNTRIES

- 5.1. In most cases we expect your information to stay here in the UK. However, on the few occasions where we do transfer your information outside the UK, we will ensure it is protected and handled in line with data protection law.
- 5.2. If we do transfer your personal data, we generally do not expect to transfer it to territories outside the European Economic Area (EEA). However, in instances where we need to do so (for example, where one of our service providers is based outside of the EEA), we will put in place the necessary additional protections required by Article 46 UK GDPR or rely on one of the exemptions in Article 49 UK GDPR in order to transfer your data.
- 5.3. If you would like more information about how we protect your personal information if it is transferred outside the UK, please email dpo@leicestercollege.ac.uk.

6. HOW DO WE PROTECT YOUR DATA?

- 6.1. We take the security of your data seriously and implement technical (i.e. IT/technological) and organisational (i.e., physical/documentary) measures to ensure that your data is not lost, accidentally destroyed, misused, or disclosed inappropriately.
- 6.2. Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, ensuring they are under a duty of

confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

7. HOW LONG DO WE KEEP THIS INFORMATION ABOUT YOU?

- 7.1. We keep information in accordance with our document retention policy. Retention periods are in line with the length of time we need to keep your personal information in order to manage and administer your education and training, carry out our statutory functions or public interest tasks, establish or defend legal claims, or ensure the success of any of our legitimate interests. They also take into account our need to meet any legal, statutory, and regulatory obligations. These reasons can vary from one piece of information to the next. In all cases our need to use your personal information will be reassessed on a regular basis and information which is no longer required will be disposed of.
- 7.2. DBS identification verification, and the ID route checklists are kept with your record on the student DBS database for 2 years in line with the 2-year Certificate validity.

8. AUTOMATED DECISION-MAKING

- 8.1. Automated decision-making is when a computer or similar electronic system uses personal information to make decisions about people without any human involvement. Profiling involves collecting various pieces of information about a person in order to analyse or evaluate certain aspects relating to that person or to make predictions about them (for example, how that person may behave or what their preferences are). Automated decision-making does not have to involve profiling, though it often will.
- 8.2. We do not use your personal information in automated decision-making, including profiling (i.e. we do not create profiles or make decisions about you based solely on automated decision-making without human involvement). If that changes, we will tell you.

9. WHAT ARE MY RIGHTS?

- 9.1. The UK GDPR gives you certain rights regarding how your information is collected and used. To exercise any of these rights, contact dpo@leicestercollege.ac.uk.
- 9.2. You have the following rights:
- the right to be informed about the collection and use of your personal data – this is called 'right to be informed.'
 - the right to ask us for copies of your personal information we have about you – this is called 'right of access' and is also known as the right to make a subject access request (SAR), data subject access request or right of access request.

- the right to ask us to change any information you think is not accurate or complete – this is called ‘right to rectification.’
- the right to ask us to delete your personal information – this is called ‘right to erasure.’
- the right to ask us to stop using your information – this is called ‘right to restriction of processing.’
- the ‘right to object to processing’ of your information, in certain circumstances.
- rights in relation to automated decision making and profiling.
- the right to withdraw consent at any time (where relevant); and
- the right to [complain to the Information Commissioner](#) if you feel we have not used your information in the right way.

9.3. Please note that some of these rights are only available in certain circumstances and may be subject to legal exemptions.

9.4. There are legitimate reasons why we may refuse your information rights request. For example:

- the right to erasure does not apply when the use of the data is necessary in order to comply with a legal obligation; to establish or defend a legal claim; or to carry out a task in the public interest.
- the right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task, or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation, or vital interests. And if the lawful basis is consent, you do not have the right to object, but you have the right to withdraw consent.

9.5. We may also refuse your request if it is manifestly unfounded or excessive.

9.6. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance. We will acknowledge all complaints within 30 days and aim to deal with them without undue delay

10. DISCLOSURE AND BARRING SERVICE INFORMATION

10.1. For your information, The Disclosure and Barring Service have a Privacy Policy. It tells you how they use your data collected on your application form. <https://www.gov.uk/government/publications/standard-and-enhanced-dbs-check-privacy-policy/standard-and-enhanced-dbs-check-privacy-policy>

10.2. The Disclosure and Barring Service can be contacted at

- Address: DBS Customer Services, PO Box 3961, Royal Wootton Bassett, SN4 4HF
- Email: customerservices@dbs.gov.uk
- Telephone: 03000 200 19

11. PRIVACY NOTICE CHANGES

- 11.1. This Privacy Notice is regularly reviewed. This is to make sure that we continue to meet the highest standards and to protect your privacy. We reserve the right at all times, to update, modify or amend this Notice. We suggest that you review this Privacy Notice from time to time to ensure you are aware of any changes we may have made. The latest version of this Notice can be found on the College's website.

GLOSSARY

Enhanced DBS Check with Barred List Check – The highest level of DBS check available. This includes all Enhanced DBS information together with a check of the Children's Barred List, Adults' Barred List, or both, where the role involves regulated activity and legislation permits the check

Enhanced DBS Check– An Enhanced DBS Check contains details of convictions, cautions and other relevant information held by police forces that is considered relevant to the position applied for and may be issued with or without a barred list check, depending upon eligibility.

Minimum Age – The minimum age you can request a DBS Check is 16

Volunteer Certificates – The College is not permitted to accept volunteer certificates. Students are getting a qualification and therefore the fee must be paid. DBS only allows the use of volunteer certificates where a person is gaining nothing. In these cases, the certificate is free but cannot be used for a position where they gain something i.e. job, training, qualification.

GDPR – The General Data Protection Regulation

DBS Check/ Certificate/ Disclosure – This document is issued following an application for a DBS Check which contains the personal information provided by the applicant and the result of the checks undertaken against relevant data sources. It details convictions and cautions that have not qualified for filtering. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of Police may release information for inclusion on an enhanced check.

Tracking Service – both the individual and Registered Body can track an application, including when it was issued.

Update Service – Individuals can join the service to allow them to re-use their DBS certificate when applying for similar jobs at the same level of check. Employers can logon to view the Check which saves going through the application process.

Portability – When an individual takes a Check from one organisation to another. Leicester College does not support the use of portability.

Standard and Enhanced DBS Check Privacy Policy – Before submitting a DBS Check, each student must sign the DBS GDPR Standard and Enhanced DBS Check Privacy Policy Declaration, to say that they have read and understood the Policy.