

Safeguarding and security



Safeguarding legislation and what this means for staff in further and higher education

Further and higher education institutions have safeguarding policies and procedures and many, if not most, further education lecturing staff – full- and part-time – will be required to be checked by the Disclosure & Barring Service (formerly the CRB). In higher education this will be determined by the volume, intensity and context of contact with children and vulnerable adults, but staff also have a duty to report to the safeguarding officer any abuse that could fall within an institution's policy, so this duty also includes abuse of students by students.

A typical HE safeguarding policy can be found at:

www.ucea.ac.uk/download.cfm/docid/3C809907-65B6-A811-3757B5D4D111F634

The operation of individual institutional policies should be negotiated by UCU branches with their employer.

The safeguarding legislation and regulations apply equally to schools and FE colleges, especially since the establishment of the 14–19 Increased Flexibility Programme brought more under-16s into further education colleges.

The safeguarding for schools and colleges legislation is at:

www.education.gov.uk/b00200969/unnamed-item/safeguarding

Although not specified in the legislation, the legislation and regulatory requirements also apply to higher education institutions (HEIs) which are experiencing greater contact with children through taster days, summer schools, master classes and other out-of-school opportunities to experience and prepare for higher education, as well as through recruiting activities.

HEIs have not been specifically named in their duty to safeguard and protect – unlike primary and secondary schools and further education colleges – which have a statutory duty to safeguard and protect the children, young people and vulnerable adults in their care.

However, HEIs do have a common law duty of care to take reasonable steps to ensure that the child, young person or vulnerable adult is safe and, in the absence of specific requirements, to be seen to have an enhanced duty of care. For HEIs see: www.jisclegal.ac.uk/Portals/12/Documents/PDFs/dutyofcare.pdf

EVERY CHILD MATTERS LEGISLATION

The 2005 Every Child Matters legislation established Local Safeguarding Children Boards to oversee safeguarding, but the operational responsibility for developing institutional policies, training and, if necessary, DBS checks on staff in contact with children and vulnerable adults lies with senior management, a designated senior management team safeguarding officer and, strategically, governing bodies of

Many, if not most, further education lecturers will be required to be DBS checked

individual institutions. The same senior management responsibility for policy and implementation applies to registration with the Independent Safeguarding Authority which will affect staff in FE and some staff in HE.

THE DISCLOSURE & BARRING SERVICE

The Disclosure & Barring Service (DBS) was formed from the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority in 2012. The DBS is known as ‘Disclosure Scotland’ in Scotland and in NI as ‘Access Northern Ireland’.

The DBS provides access to criminal record information through its disclosure service and makes independent barring decisions on people where there is a risk of harm to a child or vulnerable adult within the workplace or volunteer setting. The service is aimed at enabling organisations to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work with children or vulnerable adults.

Further education colleges and providers of adult, community and work-based learning are required by the Safeguarding Vulnerable Groups Act 2006 to secure the safety of learners so staff need to apply for a DBS check (formerly the ‘CRB check’). The DBS does not now require registration nor are any details retained on database. A DBS check has no expiry date – any information will be accurate at the time the check was carried out. It is up to your employer to decide if they think a new check is needed.

It is illegal for someone barred by the DBS to work or apply to work in further education and in some cases higher education. It is also illegal for an FE or HE employer to knowingly employ a barred person.

USEFUL LINKS AND CONTACTS 

- 1 The Disclosure & Barring Service (DBS) website:
www.gov.uk/government/organisations/disclosure-and-barring-service
- 2 Contact DBS customer services: customerservices@dbs.gsi.gov.uk
or telephone: **0870 90 90 811**
- 3 Guide to DBS (formerly CRB) checks:
www.gov.uk/disclosure-barring-service-check
- 4 DBS service for Scotland ‘Disclosure Scotland’: www.disclosurescotland.co.uk
- 5 DBS service for Northern Ireland: ‘AccessNI’: www.nidirect.gov.uk/index/information-and-services/employment/employment-terms-and-conditions/starting-a-new-job/accessni-criminal-record-checks.htm

UCU’S POSITION ON THE DISCLOSURE & BARRING SERVICE

UCU believes that fees for DBS checks should not be borne by job applicants or staff but by the employer, especially as fee payment will have a disproportionate impact on part time staff.

UCU would seek DBS agreements where:

- the employer pays for DBS checks for all employees who require them
- the employer has responsibility for identifying employees under its care who are engaged in regulated or controlled activities



The overriding objective of the Independent Safeguarding Authority is to help avoid harm, or risk of harm to children and vulnerable adults



- employers have a list of posts where employees are not required to be DBS checked
- the employer is responsible for sending a letter explaining DBS checks including a DBS form, to all appropriate employees
- the employer will guarantee confidentiality on information provided by employees arising from the DBS form
- employees have the right to be represented at meetings with the employer to discuss DBS checks and any employment issues arising from them.

In addition, UCU will monitor the operation of the scheme in both further and higher education institutions.



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