

HR1: DISCLOSURE AND BARRING POLICY

DBS POLICY STATEMENT

1. The company is committed to safeguarding the welfare of those accessing its services through the effective use of the Disclosure and Barring Service (DBS) disclosure vetting process for all relevant groups of employees.
2. As an organisation using the DBS to assess applicants' suitability for positions of trust, the company complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly and not to discriminate unfairly against anyone on the basis of conviction or other information revealed. Having a criminal record will not necessarily prevent an individual from being employed by the company. This will depend on the nature of the role, professional suitability and the circumstances, nature and background of the offences.
3. The company recognises that access to criminal record information has to a strike a balance between safeguarding the rights of children and the vulnerable in society, an individual's right to privacy, and the rights of ex-offenders to become rehabilitated into society. It is essential that confidential and sensitive information about an individual's criminal record is handled fairly and properly.
4. This paper sets out the company's DBS checking policy and key procedures, ensuring compliance to DBS legislation and best practice.

DBS CHECKING PROCEDURES

5. This policy and procedure applies to the recruitment and engagement of employees, agency workers, self employed interims and consultants, and volunteers across the company. It should be followed when recruiting; both internally and externally, to all posts which have been identified as providing access to children (persons under the age of 18) as users of company services, or which provide specific services to adults or to other defined posts of trust, within the company.
6. The company will ensure that it has a relevant and up-to-date criminal records check, and barred list checks if applicable, for all staff undertaking regulated activity.
7. All Board members and Trustees will also be Enhanced DBS checked.
8. There are 5 types of DBS check available:

- Enhanced Check for Regulated Activity (Children) – used when post involves undertaking regulated activity relating to children. This check involves a check of the police national computer, police information, and the children's barred list.
 - Enhanced Check for Regulated Activity (Adults) – used when post involves undertaking regulated activity relating to adults. This check involves a check of the police national computer, police information, and the adults' barred list.
 - Enhanced Check for Regulated Activity (Children and Adults) – used when post involves undertaking regulated activity relating to both children and adults. This check involves a check of the police national computer, police information, and the children's and adults' barred lists.
 - Enhanced DBS Check – used where a post meets the pre September 2012 definition of regulated activity. This level of check involves a check of the police national computer and police information.
 - Standard DBS Check – used primarily for people entering certain professions such as legal and accountancy. Standard checks involve a check of the national police computer only
9. The senior management team will determine whether a DBS check is required, and the level of check aligned to the levels defined previously, seeking advice where necessary. As a general rule or default, all employees should receive an Enhanced DBS Check.
10. All applicants for any post being recruited to are required to declare details of unspent convictions. Applicants for posts subject to a DBS check will also be required to provide details of spent convictions, cautions, reprimands or final warnings that are not 'protected'. Any gaps in employment histories will be explored prior to and at the interview, by the recruiting manager. Shortlisted candidates will be asked to bring original identity documents, including those required by the DBS, to their interview. The recruiting manager is responsible for ensuring the required DBS check is undertaken. The DBS check itself is usually undertaken by HR on their behalf.
11. DBS checks are undertaken on behalf of the company by the London Borough of Sutton's Disclosure and Barring service. Recruiting managers who identify the need for a DBS check for an existing post or a new recruitment should contact the HR Service to arrange for a check. The HR Service team will provide full guidance on the process and information needed to run the check required.
12. If the disclosure certificate shows cautions, warnings and convictions, spent and unspent, the recruiting manager should discuss the case with the company's Safeguarding Lead (the Service Director) or their deputy (the Managing Director)

before taking any action. Advice should also be sought from the HR Service. The managing director is responsible for making the overall decision about whether or not to employ the individual, or to withdraw the conditional offer, applying discretion based on the nature of the disclosure. A record of all discussions, rationale for reaching a decision and the final decision should be kept by the Business Support Team.

13. Before a decision is reached on whether to withdraw a conditional offer, the individual will be offered the opportunity to discuss the content of the disclosure with the Managing Director. Notes of any discussions with the individual will be made and retained confidentially on file. The decision on whether to or not to confirm the appointment will take into account a range of factors, including:

- Whether they are barred from appointment under the DBS lists (and therefore it is unlawful to employ them in specific roles involving regulated activity)
- Whether the conviction is relevant to the position
- The circumstances surrounding the offence, and any explanations given by the applicant
- The seriousness of the offence
- The length of time since the offence occurred
- Whether there is a pattern of behaviour, or whether it was a one off
- Whether the applicant's circumstances have changed
- Whether the applicant disclosed the information on convictions, cautions, warnings or bindovers at the application / interview stage.

14. Decisions will be made on the basis of an assessment of any possible risk to children or vulnerable groups, rather than the simple fact that a conviction or other information is disclosed. However, where there is doubt, the decision will always favour the welfare and safeguarding of children and vulnerable groups.

15. Any positive disclosures of either unspent convictions or of cautions on DBS checks must be signed off by the Managing Director, before any employment can commence.

16. Where a candidate has not declared a criminal record on their application form and the disclosure check reveals the existence of a criminal record, the Managing Director will discuss the matter with the applicant, but it will normally result in the offer of employment being withdrawn. If the applicant is already an employee of the company, the matter will be investigated before any decision or action is taken. But this may result in immediate dismissal.

17. If the post does not involve access to children or vulnerable groups and the candidate has declared a conviction on their application form, the senior manager will discuss the

issue with HR, if they feel the conviction is relevant to the post being applied for. The Managing Director will decide whether to proceed with the offer of appointment, or investigate the matter in the case of internal applicants.

18. The information provided by the DBS is highly confidential and will only be used to assess the suitability or otherwise of the applicant for the job in question. Records will be held securely in HR files and within the Single Central Record, by the company for safeguarding purposes.
19. For all appointments to posts subject to a DBS disclosure, the company will require applicants to apply for a new disclosure unless they have registered with the DBS Online Update Service for the relevant workforce. In these circumstances, the HR Service will undertake a status check. All new applicants, who have not already done so, will be required to register with the Update Service, as a condition of their appointment.
20. All existing staff in posts which are subject to a DBS check will also be required to register with the Online Update Service, if they have not already done so, at the time their recheck is due. The cost of registration will be funded by the company and can be claimed as a business expense.
21. In addition, as a disclosure is a snapshot in time and has no ongoing validity, rechecks will be undertaken every three years for existing employees and volunteers. There will also be an annual check that all employees have renewed their Online Update subscription. This is the responsibility of the company's Safeguarding Lead (the Service Director).
22. A new DBS disclosure will be required where an existing employee moves to a new position within the Company if they do not have an up-to-date check (i.e. undertaken within the last 3 years) for the relevant workforce.
23. Where an existing employee gains a criminal record as a result of prosecution whilst in post, they must declare this situation to their line manager immediately. The line manager will review the individual situation with the Managing Director, who will discuss the matter with the applicant. The matter will be investigated before any action or decisions are made. In some circumstances, this investigation may lead to a decision to redeploy the individual and where the conviction raises significant safeguarding, financial or reputational risk to service users, to employees or to the company.
24. The DBS can only check applicants from the date they arrive in the UK, or the time the applicant has lived in the UK. The DBS cannot currently access overseas criminal records or other relevant information held overseas as part of its Disclosure service.

Therefore a DBS check will not, in most cases, reveal if an individual has a criminal record held in another country. If a recruiting manager wishes to appoint an individual from overseas, or an individual who has lived abroad in recent years prior to the appointment, and the post requires a DBS disclosure, the company will need to contact the relevant Foreign Embassy. Team Leaders should seek further advice and guidance from HR.

25. Agency workers, contractors, sub-contractors and volunteers must be assessed against the same criteria as those employed directly for the company in determining whether a DBS check is required.
26. Agency and Contractor/Sub-contractor workers in roles which would require a company employee to have a DBS check must also have an up-to-date DBS check. This may be undertaken by the company or by the Agency being used where applicable. The Agency is required to inform the company of any issues which arise from the checks. It is the company who takes the final decision about whether an agency worker is suitable for engagement. Workers engaged via an agency must be rechecked annually.
27. Where volunteers, those on work placement, or students are working with children or vulnerable people in specified establishments but are under the day to day supervision of another person engaging in regulated activity they will be exempt from the DBS checks. In any circumstances where volunteers or work placement students are undertaking regulated activity unsupervised, the same stringent checks must be applied as for employees, including a DBS disclosure check before commencement.
28. The company will forward information to the DBS in all cases where an individual is dismissed or removed from regulated activity (or would have been removed had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children. In cases where the company believes the person has committed a criminal offence, information will also be forwarded to the police at the earliest opportunity.