


DISCLOSURE AND BARRING SERVICE (DBS)

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Policy Statement

This policy outlines the organisation's approach to the use of Disclosure and Barring Service (DBS) checks, and the storage and use of information on convictions disclosed by the DBS. The policy applies to all staff groups and should be given to applicants at the outset of the recruitment process where an Enhanced DBS disclosure of their criminal record will be required as part of the application process for working in a Regulated Activity.

The Policy

Disclosure and Barring Service (DBS) Check

DBS is an amalgam of the old Criminal Record Bureau (CRB) and the Independent Safeguarding Authority. Their duties are set out in *The Freedoms of Protection Act 2012*. The changes are being incrementally introduced. Changes in place so far are:

- ⚠ The Protection of Vulnerable Adults List is now held by the Disclosure and Barring Service and a referral system is in place. Guidance and the referral form are available on the DBS website
- ⚠ The Barring List is now held by the DBS, called the DBS Barred List.
- ⚠ An Update Service launched by DBS enables prospective employees to pay a subscription fee of £13 per annum which allows them to update their current DBS.
- ⚠ Employers will be able to validate the DBS which has been made available to them via the interview process by checking electronically on the DBS website
- ⚠ The DBS multiple online tracking service can be used to view several DBS applications at once and used to order blank application forms, if you are a registered provider
- ⚠ The paper counterpart to the photocard driving licence is no longer valid and is no longer be issued by DVLA. Paper driving licences issued before the photocard was introduced in 1998 will remain valid and should not be destroyed
- ⚠ For the DBS ID checking process this means that just the driving licence photocard needs to be checked, unless an old-style paper driving licence is produced (pre-1998) and the photocard driving licence issued by the DVLA without the paper counterpart will be classed as a group 1 identity document for DBS check applicants

To keep up with these changes it is vital that the DBS website is checked frequently, i.e. a minimum of monthly by the admin staff

Appointments Requiring a DBS Disclosure

An applicant will be requested to submit to a DBS disclosure request where they meet the new definition of Regulated Activities, which came into force on 10th September 2012 following the amending of the *Vulnerable Groups Act 2006*. Before considering asking a person to apply for a criminal record check through DBS, the organisation is legally responsible for ensuring that they are entitled to submit an application for the job role. A countersigning officer must satisfy themselves that the position is eligible under the current legal provisions before countersigning each application form. The DBS are continually updating their eligibility for DBS checks.

All subjects of a DBS disclosure request will be made aware of the DBS Code of Practice. Any information revealed in a disclosure that is likely to lead to the withdrawal of a job offer will be discussed with the applicant before the offer is withdrawn.

Where a conviction has been disclosed in an individual's application for a post with the organisation, a discussion will take place at the end of the interview regarding the offence and its relevance to the position.

Failure to reveal information relating to unspent convictions could lead to the withdrawal of an offer of employment.

DBS Process Statement

Any applicant for any post within this organisation who has already obtained a DBS certificate and has registered with the update service will be subject to an update service check. If this check discloses the same information as the DBS, then staff, provided that everything else required for recruitment and selection is in place, can be offered the post with immediate effect. Where information does not match or any discrepancy is revealed the applicant will be asked to update the DBS at their own cost and the interview will be terminated until receipt of the updated DBS. This organisation will then take a risk-based decision regarding employment.

Risk-based decision making in relation to disclosures

Where a prospective employee has a DBS returned detailing criminal offences which have not been disclosed a risk assessment will be undertaken in respect to their recruitment. This must be based on the information to hand and a balanced view should be maintained throughout the process. It is this organisation's responsibility to ensure the safeguarding of residents and the decision to employ will be taken in the context of risk to the resident, staff and the business. The decision will be recorded and held on file.

The *Rehabilitation of Offenders Act 1974* provides that ex-offenders are not required to disclose to prospective employers convictions defined as 'spent' under the Act. However, because our employees work in a Regulated Activity the updated list applies as defined in the *Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975*.

DBS Disclosures and Data Protection

In this organisation:

- ⚠ DBS disclosure information will be stored with access limited to those who are entitled to see it as part of their duties.
- ⚠ A record will be maintained of all those to whom disclosure information has been revealed, as it is a criminal offence to pass on this information to anyone who is not entitled to receive it.
- ⚠ The DBS reference number will be the means used to investigate any queries regarding the disclosure.
- ⚠ A register of these numbers will be kept to check and review the information where required.
- ⚠ DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.
- ⚠ Any information disclosed during the DBS process will be dealt with sensitively and appropriately
- ⚠ We follow the guidance issued by CQC "Disclosure and Barring Service (DBS) checks (formerly criminal record (CRB) and barring checks)" issued December 2017
- ⚠ There is further guidance available from CQC regarding work placements which we follow as required.

There are currently several cases of case law before the European Court of Human Rights regarding age-related disclosures primarily those committed whilst a minor. These cases will be reviewed and considered during the next phase of the *Freedom of Protection Act 2012* and our policy revised accordingly. This policy will be read in conjunction with the Recruitment and Selection Policy

Related Policies

Adult Safeguarding

Disclosure and Barring Service (DBS) Referral

Duty of Candour

Good Governance

Recruitment and Selection

Guidance

Disclosure and Barring Service (DBS) checks (formerly criminal record (CRB) and barring checks)" issued December 2017:

www.cqc.org.uk/sites/default/files/20171218_100646_disclosure_and_barring_service_DBS_checks_v6%282%29.pdf

Disclosure and Barring service: www.gov.uk/government/organisations/disclosure-and-barring-service