

## Policy and Procedure for Disclosure and Barring Service (DBS) Checking

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| Version Number   | V2                                      |
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| Date V2 issued   | October 2017                            |
| Last reviewed    | October 2017                            |
| Next Review Date | October 2018                            |
| Scope            | Company Wide                            |

### **Policy Summary**

This policy applies to the appointment of all representatives of The Education Network (TEN). It is designed to ensure that all persons representing TEN are trustworthy and reliable and are not subject to any offences which are a risk to children or our clients.

This policy takes account of current legislation relating to employment, rehabilitation of offenders, safeguarding children and Department of Education guidelines.

#### **1. The Disclosure and Barring Service**

1.1 On 1<sup>st</sup> December 2012 the Criminal Records Bureau (CRB) changed to become the Disclosure and Barring Service (DBS). The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with children. The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

1.2 The barring side of the DBS provides expert caseworkers who process referrals about individuals or who have harmed or pose a risk of harm to children. They make decisions about who should be placed with children's barred list and prevented by law from working with children.

1.3 The checking service allows employers to access the criminal record history of people working, or seeking to work in certain positions, especially those that involve working with children in specific situations.

## **2. Key Issues**

- 2.1 Part V of the Police Act 1997 makes criminal record checks available for positions that are identified as exempt under the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (as amended). DBS checks are mandatory for all representatives who are working within regulated activity with children.
- 2.2 No worker will commence in post until completion of the DBS process except in exceptional circumstances and by agreement with the relevant director. A previous DBS certificate can be used to expedite a start date subject to principals set out in section 9, however a new DBS check must have been applied for by TEN or a check against the DBS Update Service must have been carried out where the DBS certificate is registered.
- 2.3 A declaration of unspent and spent criminal convictions, cautions, reprimands and warnings will be requested from all applicants on TEN's application form.
- 2.4 It is important to point out that possession of a criminal conviction does not automatically make an applicant unsuitable for employment with TEN. However, the DBS holds the power to bar people who have committed indictable offences from working or engaging in regulated activity with children.
- 2.5 All representatives are required to report any police allegations, convictions, cautions, reprimands or warnings that occur during the course of their employment, whether at home or abroad to TEN within 5 working days of the event. Failure to do so will be treated as a disciplinary offence and may result in dismissal. Where the worker is engaged via an Umbrella Company or Limited Company then this may result in a termination of engagement.
- 2.6 Recruiters are responsible for questioning and discussing with applicants any criminal convictions, cautions, reprimands and warnings at interview and advising them of the DBS process. The recruiter is responsible for recording any information given on the interview form.
- 2.7 Failure by a worker to provide accurate and truthful information at the time of application will be considered as a disciplinary matter, which could result in dismissal/cessation of representation.

## **3. Determination of Level of Disclosure**

- 3.1 All positions with TEN will require an Enhanced DBS check with a check against the Children's Barred List.

3.2 An Enhanced DBS and barred list check (child) includes information from the DBS's children's barred list and is only available for those individuals engaged in regulated activity with children and a small number of posts as listed in the Police Act regulations.

3.3 The definition of regulated activity relating to children comprises only:

- I) Unsupervised activities; teach, train, instruct, care for or supervise children, or provide advice/guidance on well being, or drive a vehicle only for children;
- II) Work for a limited range of establishments (specified places) with opportunity for contact: for example, schools, children's homes, childcare premises.
- III) Relevant personal care, for example washing or dressing; or health care by a supervised by a professional;
- IV) Registered child minding; and foster carers.

#### **4. Opportunity to disclose**

4.1 Information obtained through the recruitment and selection stage is designed to prevent unsuitable people from gaining access to vulnerable groups, while at the same time respecting human rights and privacy issues and complying with the requirements of the Data Protection Act. Candidates are requested to disclose any criminal convictions, warnings and reprimands at various stages of the recruitment & selection process.

4.2 At interview, the recruiter will give all candidates the opportunity to declare any spent or unspent criminal convictions, cautions and reprimands. Candidates will be informed that any disclosure will be held in confidence and discussed only with clients once an assignment has been confirmed.

4.3 On the Policies and Procedure form: Supporting statements must be handled, stored and destroyed in the same way as DBS check information and should not be kept on file any longer than necessary.

#### **5. Procedure for DBS applications**

5.1 Once a post has been identified as requiring a DBS check the Recruitment Co-ordinator will identify if the worker requires a new DBS check in accordance with section 8 below. A link will be sent to the candidate via eBulk2000 or GB Online Disclosures.

5.2 The candidate must complete the online form and submit. The details provided must then be cross checked with the identification documents seen at registration.

5.3 The application form is then rechecked by a counter signatory for approval and confirmation of which level of check is required and which list(s) to be checked.

## **6. Disclosure reports – Use, Storage and Destruction**

6.1 With effect from 17<sup>th</sup> June 2013, the DBS stopped issuing two DBS certificates. Therefore a DBS certificate will only be sent to the applicant. The applicant's permission must be obtained to copy the certificate.

6.2 Where a disclosure indicates no criminal history this will be recorded on eBulk 2000 together with the date received and the date of the disclosure report. The recruiting manager will be informed that the applicant's disclosure has been returned clear via an email notification.

6.3 The copy of the DBS certificate will be stored in a lockable, non portable storage cabinet with access strictly controlled and limited to persons who need to have access to this information in the course of their duties.

6.4 A copy of the DBS will be kept for no longer than six months. However details such as the issue date, level of check, unique reference number and outcome will be recorded and stored.

## **7. Disclosures containing information**

7.1 The DBS certificate will reveal if the individual has a criminal record, including details of convictions, cautions, reprimands or final warnings.

7.2 Information obtained through DBS checks can help branches to decide whether or not to engage with a candidate. The information provided must be carefully considered in the light of all the relevant circumstances and judged on a case by case basis.

7.3 If the issues disclosed have not been previously declared, the branch will be required to contact the candidate to ascertain why they failed to disclose this information, as this will normally result in the offer of engagement withdrawn. The recruiting manager will discuss the candidate's explanation with the relevant Director. In exceptional circumstances a decision may be taken to accept the candidates' explanation for failure to disclose.

7.4 If an Update Service Check indicates that new information has come to light since the original certificate was issued then a new check must be applied for.

## **8. Use of a previous DBS certificate**

8.1 On 17<sup>th</sup> June 2013 the DBS introduced the DBS Update Service. This is a voluntary applicant-led system where they can subscribe themselves when their certificate arrives (or during the application process) and pay an annual subscription fee directly to the DBS. If an applicant is registered then an online check can be made by TEN which negates the requirement for a new check. The applicant must still provide TEN with their original certificate for copying.

8.2 It may be possible for a previous DBS certificate to be used to allow a candidate to commence in post pending the receipt of a TEN disclosure. The DBS certificate must be less than 12 months old.

8.3 Where an unclear certificate is presented, TEN will require receipt of a new DBS check before the candidate is able to commence booking.

8.4 In exceptional circumstances, TEN may make a risk-based decision to engage an applicant before the outcome of a DBS check is received. This must only be where there is an urgent need and the client has agreed this in writing.

8.5 All DBS checks must be renewed every 12 months and any Update Service checks must be run every six months. If the Update Service check reveals that new information has come to light then a new disclosure must be applied for.

## **9. Dismissals**

Where a worker is dismissed because they have harmed a child, or where TEN would have taken such action had they not left, the Disclosure and Barring Service must be informed. The Designated Safeguarding Officer must be consulted prior to any referral being made.

## **10. Review**

This policy will be monitored on an ongoing basis and will be reviewed every 12 months and or/in light of any Department of Education guidance or legislative changes.

