

# DISCLOSURE & BARRING SERVICE CHECKS POLICY AND PROCEDURE

## 1) Purpose

This DBS Policy and Procedure outlines the Engineering Trust Training Ltd.'s (ETT) approach to the management of Disclosure and Barring service (DBS) checks. These checks must be undertaken where required and form part of a sound and safe recruitment process. Safer employment processes extend beyond recruitment and ensure each worker understands their duty of care as well as which behaviours make up safer practice and which behaviours to avoid.

## 2) The DBS

- a) The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.
- b) 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).
- c) It enables organisations to obtain criminal record information about prospective and current employees by accessing information from the Police National Computer, and local police information.
- d) The DBS is responsible for deciding who should be barred from working with children or vulnerable adults, or both. In terms of barring the DBS has four main duties:
  - i) To maintain a list of individuals who are barred from engaging in regulated activity with children – the DBS children's barred list
  - ii) To maintain a list of individuals who are barred from engaging in regulated activity with adults who may be vulnerable – the DBS adults barred list
  - iii) To reach decisions about whether an individual should be included in one or both barred lists
  - iv) To reach decisions as to whether to remove a person from a barred list.
- e) Inclusion on the DBS barred lists has the same effect as inclusion on the previous lists; List 99, PoCA, PoVA, POCVA or the Unsuitable Person's Lists.

## 3) Legal requirements of the DBS

- a) All ETT staff whether supervised or not are employed in regulated activity and must undergo an enhanced check.
- b) It is an offence for an employer to allow someone to engage in regulated activity whom they know has been barred by the DBS.
- c) A person who is barred by the DBS from working in regulated activity will be breaking the law if they work or volunteer, or try to work or volunteer in regulated activity.
- d) If ETT dismisses a member of staff because they have harmed, or posed a risk of harm to a child or vulnerable adult, or ETT would have dismissed if they had not left then ETT must refer this information to the DBS.
- e) Police may use common law powers to provide information directly to employers in cases where this is necessary, for example to prevent harm to others.
- f) Where information is disclosed from the police using their common powers this must not be fed back to the candidate(s). Discussions will take place and an agreement reached with the police in terms of the information that will be provided to the candidate to ensure current police investigations are not compromised.

## 4) DBS Update Service

- a) The DBS introduced its Update Service in 2013. The Update Service changed the way individuals used their criminal record check and how employers checked their suitability. For

a small sum (£13 per annum), individuals can take their DBS check with them from role to role, within the same type of workforce (i.e. working with children and/or working with adults), where the same type and level of check is required.

- b) ETT can go online to see if the information presented is still current and valid, i.e. carry out a “status check”. This will provide an instant result.
- c) ETT must have the permission of the individual they are checking and the type of check required must be the same as the original check e.g. if an enhanced DBS check is required but the original certificate is for an enhanced DBS check with children’s barred list check then a new enhanced DBS check must be requested.
- d) If the individual is not subscribed to the DBS update service (this is not mandatory) or they do not give their permission, then a DBS check must be requested in the usual way.

#### 5) DBS Requirement

- a) An enhanced DBS check with barred list check is compulsory for new ETT appointments
- b) It also includes former members of your staff who have had a break in service of more than three months.
- c) A DBS update service check can be undertaken in place of a full DBS check, if the individual is subscribed to the service and gives their permission for the check to go ahead. If this is the case ETT must see the individual’s original DBS certificate to check the name on the certificate matches the identity of the individual and ensure that it is for the same level of check that is required.
- d) Standard DBS disclosures are not acceptable and this applies equally to all appointments whether permanent, temporary or casual.
- e) An enhanced DBS check with barred list check will be undertaken on current staff every three years.
- f) ETT will maintain a central record of DBS checks (not the original certificate which is the property of the individual)
- g) Maternity leave and long term sick leave are not classed as a break in service.

#### 6) Deployment of staff

- a) Offers of employment to successful candidates are conditional upon a satisfactory enhanced DBS check with barred list check (this can be a DBS update service check where the individual is subscribed to the service, give their permission for the check to be undertaken and the type of check required is the same as the original check - the original DBS certificate must also be viewed).
- b) Until a satisfactory enhanced DBS check with barred list check has been viewed by the Chief Executive, the person must not be deployed to work directly with children or in a situation where they can have unsupervised access to children or their personal information.
- c) If an enhanced DBS check with barred list check has been applied for but has not received by the individual before they are due to start work, then they can start provided they are not deployed to work directly with children or in a situation where they can have unsupervised access to children and provided that the other pre-employment checks have been carried out successfully, those being:
  - i) obtaining and scrutinising comprehensive information from the person
  - ii) a face to face interview that explores the person’s suitability to work with children as well as their suitability for the post
  - iii) obtaining independent professional and character references
  - iv) verifying the person’s identity
  - v) verifying that the person has any academic or vocational qualifications claimed
  - vi) checking their previous employment history and experience
  - vii) verifying that they have the health and physical capacity for the job
  - viii) a check against the DBS children’s barred list (list 99 check)

- ix) check of their eligibility to work in the UK
- d) Records relating to the recruitment and selection process for all staff are retained securely as evidence that sound and safe processes have been followed.

**7) Third Party Delivery and Subcontractors**

- a) It is the responsibility of each third party or sub-contractor to check the staff working for their organisation are suitably cleared to work with children and vulnerable adults.
- b) ETT will seek written confirmation that these checks have been carried out.
- c) This must be a specific requirement contained in any contract for these services.

**8) Board and Trustees**

- a) Those who sit on the ETT Board and/or are ET Trustees must undergo the same DBS check as an ETT member of staff.

**9) Storage and Access**

- a) Disclosure information will be kept on the personal file, securely locked in a non-portable storage container – lockable filing cabinet.
- b) Access to Disclosures are strictly controlled and limited to those who are entitled to see it as part of their duties.

**10) Handling**

- a) In accordance with section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duties.
- b) It should be recognised that unauthorised revealing of information contained in the Disclosure to anyone not entitled to receive it is a criminal offence.

**11) Usage**

- a) Disclosure information will be used only for the specific purpose for which it is requested and for which the applicant's full consent has been given i.e. to assist with determining the suitability of an individual for employment in a particular position.
- b) It will not be used at any other time for other purposes.

**12) Retention**

- a) Having made a recruitment decision Disclosure information will not be kept for any longer than is absolutely necessary. This will generally be for a period not exceeding six months and will be to allow for the consideration and resolution of any disputes or complaints.
- b) If there are circumstances requiring a Disclosure to be kept for longer than six months the DBS must be consulted and full consideration given to Data Protection aspects.
- c) Throughout any extended period of retention, the same conditions of storage and access will apply.

**13) Disposal**

- a) Disclosures should be destroyed by suitably secure means to ensure they cannot be accessed by anyone who is not authorised to do so. No copy (electronic or otherwise) of the Disclosure will be retained.
- b) The following record of a Disclosure will be retained,
  - i) The date of issue
  - ii) The name of the subject
  - iii) Level of Disclosure
  - iv) Position to which subject was recruited
  - v) Unique reference number of the Disclosure

**14) Administrative arrangements**

- a) The DBS Disclosure application forms will be completed as early as possible in the selection process.