

## DBS POLICY

### 1. POLICY STATEMENT

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 offence(s).

The company complies fully with the DBS Code of Practice, with an undertaking to treat all job applicants fairly, and not discriminate, on the basis of conviction or other information revealed.

DBS checks will only be sought where a job is eligible to be checked, and after an applicant has been made a conditional offer of employment.

The company reserves the right to require a disclosure and barring check/follow up disclosure on employees.

### 2. THIS APPLIES TO

All permanent, temporary, and casual employees, volunteers, and to other third parties engaged in work for or on behalf of the company, where the duties to be performed require the individual to have a Standard or Enhanced DBS disclosure.

### 3. ROLES AND RESPONSIBILITIES

The Directors of the company must:

Ensure that a DBS checking procedure is in place and that checks are carried out lawfully and in line with this policy.

Ensure that all school based, employees have an Enhanced DBS check.

Ensure that the applicant presents their disclosure certificate for checking once they have received it.

Decide whether an appointment will be confirmed, or the offer withdrawn, where there is a positive disclosure.

Consider whether information disclosed by employees in relation to a change in criminal record status impacts on their continued suitability for employment.

Job Applicants/ Employees must:

Co-operate fully with the checking procedure.

Present the disclosure certificate to the recruiting member of the Companies Management Team (this is likely to be the Area manager) as soon as possible once it is received.

Inform their Area Manager of any changes to their circumstances which affect their criminal record status. This may impact upon the individuals' suitability to undertake their role and will be reviewed. Failure to disclose information may result in disciplinary action being taken.

Shield Service Group will:

Provide and an up-to-date DBS Policy

#### **4. DEFINITIONS**

##### **4.1 Disclosure & Barring Service**

The Disclosure and Barring Service (DBS), previously the Criminal Records Bureau (CRB), allows authorised users to obtain information about a person's criminal record for approved purposes. Criminal record certificates (known as disclosures) are issued by the DBS. The DBS offers the company a means to check the criminal background of job applicants, and where relevant existing employees for specific categories of posts, to ensure that they do not have a criminal history that would make them unsuitable.

##### **4.2 Eligibility**

The Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (amended 2013), lists the types of work, employment or professions for which employers can legally obtain a DBS check. All employees in posts which are eligible will be required to undergo a DBS check.

Where a post is classified as regulated activity (see 4.6 below) under the provisions of the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), an Enhanced Disclosure will be required.

##### **4.3 Standard Disclosure**

To be eligible for a standard DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975

A Standard disclosure contains details of all spent and unspent convictions, cautions, reprimand's and final warnings held on the Police National Computer.

#### **4.4 Enhanced Disclosure**

All school based, employees are eligible for an Enhanced Disclosure and are included in both the ROA Exceptions Order and in Police Act Regulations.

An Enhanced Disclosure is the highest level of criminal record check. It will contain the same information as the standard check but also includes a check of police records held locally. Any role identified as regulated activity (see 4.6), will be eligible for an Enhanced disclosure with a check of the DBS barred lists.

#### **4.5 Barred Lists**

The Children's List holds information on individuals who have been classified by the DBS as unsuitable to work with children, and the Adults List holds information on individuals classified as unsuitable to work with (vulnerable) adults. Individuals placed on either list are legally barred from working with the relevant group, and employers are prohibited from employing them in regulated activity.

#### **4.6 Regulated Activity**

The definition of regulated activity relating to children (i.e. activity that a barred person must not do), comprises:

(i) Unsupervised activities:

- teaching, training, instructing, caring for or supervising children, or providing advice/guidance to children on physical, emotional or educational well-being, or driving a vehicle only for children (and their carers/ supervisors); (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. (This does not include work by supervised volunteers).

Work under (i) or (ii) is regulated activity only if done frequently. Frequently means carried out by the same person (once a week or more often), or on 4 or more days in a 30-day period or in some cases, overnight. ("Overnight" in relation to (i) makes these activities regulated activities if carried out – even once – between 2am and 6am and with the opportunity for face-to-face contact with children).

(iii) Relevant personal care, for example:

- physical help with (or supervision/prompting of/other training and advice related to) eating and drinking - for reasons of illness or disability;

- physical help with (or supervision/prompting of/other training and advice related to) toileting, washing, bathing or dressing – for reasons of age, illness or disability;

- health care (all forms of health care relating to physical or mental health) by, or supervised by, a health care professional;

(iv) The day to day management or supervision on a regular basis for a person providing activities (i) – (iii) which would be regulated if unsupervised.

(iv) Registered childminding; and foster-carers.

#### **4.7 Update Service (recommended)**

Individuals undergoing a DBS check from June 2013 onwards can choose to register with the Update Service on an annual basis. The service keeps DBS certificates up to date so that they are transferable from role to role (within the same workforce i.e. children/adults), where the same type and level of check is required. Where applicants have subscribed to the DBS Update Service, and meet the criteria out lined in section 8.2 regarding breaks in service, the schools will seek their consent to undertake an on-line check of their DBS status. Applicants will still be required to produce a hardcopy of their most recent DBS certificate. Where the status check says that the DBS certificate remains current (i.e. no new information recorded), then there is no requirement to undergo a full DBS check.

### **5. PRINCIPLES**

#### **5.1 Storage and Access**

Disclosure information is kept securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

#### **5.2 Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The company maintain a record of all those to whom disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

#### **5.3 Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

**5.4 Retention**

The company will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.

The company will hold this information on the Single Central Register. Only the information detailed above can be held by the schools. Hard copies of an individual's DBS certificate must not be kept.

Disclosure information in relation to the withdrawal of job offers is not retained for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the company will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

**6. Disclosure with Content**

Your DBS provider will inform you if they are advised of a disclosure with content. The Companies representative should arrange an appointment with the individual to view the paper disclosure in full and complete a Positive Disclosure Decision Sheet (PDDS) (see Appendix

1) which is designed to help them make a balanced decision on whether to employ the individual, and acts as a record of the decision-making process. The completed form will be retained in the company and placed on the employee's personal file.

**7. Appointment Decision**

Where the DBS Disclosure contains no content, or company has considered a Disclosure with content and determined that it is appropriate to continue with the appointment; the individual will be issued a contract of employment. The employment will be confirmed where it has been offered subject to satisfactory checks.

Where the Line Manager in consultation with a company Director, does not wish to continue with the appointment, the Head of HR, will assist with the written correspondence to the individual withdrawing the offer of employment.

**8. GUIDANCE****8.1. Commencing Employment**

Safeguarding and Education – the Department for Education strongly recommend that Disclosures are obtained for individuals before they take up post. However, they recognise that in certain instances there may be a need to employ at short notice. In these circumstances, the company in consultation with the school concerned have the discretion to employ staff who have not yet received their Disclosure, provided that:

- a) they have been checked against “List 99”/Children’s Barred List now known as Section 142 of the Education Act 2002.
- b) all other relevant pre-appointment checks have been carried out.
- c) they do not have unsupervised access to children until their full disclosure is received.

**8.2 Re-checks**

There is no legal requirement or mandatory time period for undertaking DBS re-checks on existing employees. A new disclosure must be gained where an individual moves to a new position that:

- a) requires a check at a higher level, or
- b) involves responsibilities not previously checked (e.g. moving from children's services to adults’ services).

For all employees where there is a break in service of 3 months or more the company will require a recheck. Where employees have subscribed to the DBS Update Service, the schools will seek their consent to undertake an on-line re-check of their DBS status (as per 6.1 above). If there are concerns that an individual has acquired or is in the process of acquiring another conviction, caution, reprimand, warning or has been added to the either of the Barred Lists, the Line Manager will need to discuss with a Company Director whether a DBS re-check or other action is necessary.

**8.5 Checking Job Applicants and Employees from Overseas**

Newly appointed staff who have lived outside the UK must undergo the same pre-employment checks as other staff. This includes a DBS check as appropriate for the role.

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The DBS can only check applicants from the date they arrive in the UK, as it does not have access to overseas criminal records. If an individual has resided overseas within the past five years, they will be advised to obtain a Certificate of Good Conduct and appropriate criminal checks from the country of residence. Where the applicant has lived in several countries, then all countries must be checked.

Guidance on checking applicants who have spent time overseas can be found on the DBS website at the following link:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants>

If the details for the country required are not listed then the individual should contact the relevant embassy to establish the process to be followed.

Where there is a fee payable, then the applicant must pay this fee. Reimbursement will be at the discretion of the recruiting manager but will not ordinarily be paid for by the schools.

The Certificate of Good Conduct belongs to the applicant and must remain in their possession; the schools can take a copy of this document. It is the responsibility of the applicant to have these documents translated.

Signed:



Date: 1<sup>st</sup> May 2022

Malcolm Rose, Chief Executive Officer - On behalf of Shield Service Group Ltd

## POSITIVE DISCLOSURE DECISION SHEET

A disclosure with content is a certificate that shows cautions, warnings or convictions. It may show spent and unspent convictions, and for Enhanced checks, it may also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the content of the disclosure with the recruiting manager. Using this decision sheet, the manager will make a balanced decision on whether they are satisfied to employ the person. In completing the form, the manager should not record the specific details of any criminal convictions, cautions etc. appearing on the positive disclosure.

Question	Yes	No	Notes / Manager comments
Does the Children's / Vulnerable adults barred list result prohibit the appointment?			<b>If yes Employment is not permitted</b>
How do you regard the seriousness of the conviction?			Minor                      Significant                      Major
Does the post involve one to one contact with children or vulnerable adults?			
Is the conviction relevant to the position?			
Are you satisfied with the circumstances of the offence, and the candidates' explanation?			
Does the disclosure show a pattern of offending behaviour or was the offence a one off?			
Did the offence occur recently?			
At what age did the offence occur?			
What Age is the applicant now?			
Have the circumstances that lead to the applicant to commit the offence changed for the better?			
Did the applicant disclose the conviction(s) when recruited?			
Does the role allow the opportunity to re-offend?			
What level of supervision will the person receive?			None                      Limited                      Regular
Are you satisfied that this appointment can go ahead			
Date Approved:			
Signature Line manager:		Signature Director:	
Date:		Date:	