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Disclosure & Barring Service (DBS) Checks Policy and Procedures

Title of Policy: Disclosure & Barring Service (DBS) Checks

Effective Date: December 2018

Review Date: December 2021

Policy Number: 2

Policy Authorised by: Nicola Williams

Introduction

Allsorts Support Services CIC & Allsorts Community (Which will be referred to as the organisation throughout this policy).

We want all service users to have successful and fulfilling lives.

This policy document should be considered in conjunction with all other relevant duties, policies and guidance.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning the organisation's approach to Disclosure & Barring Service (DBS) Checks for all staff. The policy has the following aims:

- To maintain a safe and healthy environment for all service users and employees.
- To comply with applicable laws and legislation.

This policy is informed by the organisation's understanding of its statutory duties as an employer.

Having effective, up to date and easy to follow policies and written documents minimises risk to service user's, employees and the organisation itself and can ensure that statutory requirements, standards and regulations are understood and provides a framework to monitor compliance. To ensure the organisation provides a robust and clear framework, the organisation has developed this policy to manage processes to achieve compliance and effective coordination across the organisation.

Through this policy the organisation will ensure that there is a process whereby all policy documentation is consistent. In addition, there will be an effective process for managing and reviewing policies and any associated written documents on a regular basis, to ensure that documentation remains legally compliant and actions are undertaken in a safe and efficient manner.

This policy will ensure that the organisation meets its legal responsibilities and provides a clear organisational approach to documentation.

Policy Statement

The organisation will provide a structure for the development of policies and other written documents. This will include:

- Ensuring that staff has access to the most recent copies of the organisation's documents.
- Establishing a control procedure for all policies and other written documents to ensure that those in use are current and relevant.
- Ensuring that the equality impact assessment process is completed on all policies and procedures.
- Ensuring systems exist to monitor the use of, and compliance with, all written documents.
- Developing and maintaining a central database of policies, procedures and written documents.
- Maintaining an archive of past written documents, for reference and to meet legal requirements.

Purpose

This policy sets out the organisation's approach to using Disclosures & Barring Service (DBS) Checks and implications arising from their use for employees and volunteers. It relates to checks carried out upon recruitment and during the life time of their employment or volunteering placement.

The DBS check searches personal details provided by applicants and employees or volunteers against criminal records and other sources. The DBS check will either confirm that the person named either doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether they have been barred from working with vulnerable groups. The police can also include non-conviction information, for example, fixed penalties, that may be relevant.

A DBS check uses a range of different information sources, including the records of the Police National Computer (PNC), and other data sources appropriate to the level of check requested.

Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. Therefore we have a legal responsibility to

ensure we have a relevant exemption before requesting this from an applicant/employee/worker or risk withdrawal of our right to request DBS's in future, and potential prosecution. Also under the Protection of Freedoms Act 2012 we have a legal responsibility to ensure we carry out checks on any one engaged in Regulated Activity but only carry out checks for those individuals of the appropriate barring list for the groups they are working with.

Background

DBS Checks have been used by the Authority for many years as an aid to recruitment for certain posts where trust and confidence are vitally important to the role. More recently the range of posts eligible for DBS has been extended in response to the Safeguarding Vulnerable Groups Act 2006. In the organisation's adoption of this act under our Safeguarding Policy a key aspect of this policy is to carry out regular DBS checks of employees and volunteers undertaking roles defined as regulated activity relating to children or vulnerable adults.

Eligible Posts

The Disclosures & Barring Service provides guidance on all the eligible roles and types of roles that are exceptions to the Rehabilitation of Offenders Act 1974.

The large majority of roles eligible for DBS checks are those who work in regulated activity with Children and Vulnerable Adults.

DBS clearance should be a requirement of any post meeting any one of the following criteria:

- Has unsupervised access to children or vulnerable adults (regardless of regularity or duration).
- Has supervised access to children or vulnerable adults on a regular basis.
- Is based within a setting regularly occupied by children or vulnerable adults (regardless of direct access or nature of role), e.g. school, residential establishment, community centre, leisure centre, park, unless the presence is exclusively before or after children/vulnerable adults are on the premises.
- Entails visits to domestic residences, or has indirect contact with children or vulnerable adults via the telephone or internet.
- Has substantial access to highly sensitive personal details relating to the care of children or vulnerable adults.

The level of check undertaken and the right to check the relevant barred list will be undertaken in conjunction with the manager, who will be required to carry out a risk assessment for the role.

The criteria applies equally to all types of employment, whether or not an established post, such as permanent, temporary, or volunteer.

Returned Traces

All current employees are covered by a specific clause in their employment contract to notify the authority of any charges or convictions brought against them. Clearly where a role is subject to a satisfactory DBS check this clause becomes critical in determining what action should take place.

Depending on the nature of the offence we will determine whether:

- The charge or conviction is such as to affect, or be likely to affect, the suitability of the employee for the position in which he/she is employed,
- Or the business or reputation of the Employer,
- Or where the existence of the charge or conviction could, in the opinion of the Employer, otherwise seriously undermine the trust and confidence that the Employer has in the employee.

Where a trace is returned during recruitment the manager will make a decision on these factors for recruitment and may decide not to appoint. Having a conviction will not necessarily bar individuals from working for Allsorts Support community or Allsorts Support Service CIC and each disclosure is assessed individually. Each individual case will be considered with reference to the sentence, severity and nature of the offence and the potential risk to children or vulnerable adults.

Criminal charges or convictions for offences of dishonesty or violence committed outside working hours may result in disciplinary proceedings being taken against the employee up to and including summary dismissal.

Retention of Documents

As an organisation using the Disclosures & Barring service to help assess the suitability of applicants for positions of trust, we comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. We also comply fully with our obligations under The General Data Protection Regulations (GDPR) which came into force on the 25th May 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and have a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Recruitment Procedure

All employees are required to have a DBS check. Volunteers will have a DBS check after they have done 5 sessions. The offer of work is conditional on receipt of a satisfactory DBS check.

Ongoing Employment Checks

Now that the update service has been launched with an annual fee of £13, the employee will be required to register with the update service within 19 days of their first certificate being issued and funded by the employee.

All Volunteers will be required to register with the update service within 19 days of their first certificate being issued and funded by the organisation.

All policies and other written documents

It is the responsibility of the Policy administrator to ensure that when a document is revised, a copy of the original is forwarded to the Manager.

Once revised policies and other written documents are approved, the Manager will pass on to all employees.

Staff will be notified of newly approved/revised policies, procedures and guiding documents within one week of approval by the manager.

Non-compliance with this Policy

In the unlikely event of a member of staff not respecting the policy, the organisation's manager should attempt to resolve the situation informally in the first instance. Ultimately, repeated breaches of the policy will result in disciplinary procedures and may lead to dismissal.

Policy Implementation

It is the responsibility of the Policy administrator to keep all policies and procedures up to date. The manager will identify how any policy or written document will be implemented. This will include liaising directly with the policy administrator in order to ensure that staff training requirements have been highlighted. Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with the organisation's Manager.

Information on the policy will be:

- Circulated to all staff
- Provided to all new employees

Training

All new staff will be required to read all policies as part of their induction process.

Review Process

The Manager requires that certain policies must be reviewed annually. These are:

- Safeguarding policy
- All other policy documents must be reviewed no later than three years after initial approval and regularly reviewed on the same basis thereafter.
- Documents will be reviewed more frequently if changes in legislation or the service requires it.
- It is the responsibility of the policy administrator to ensure that documents are reviewed in line with their review dates.

Where a review necessitates considerable change to the previous document, the process will be treated as though it is a new document.

Minor amendments can be notified by distributing copies of the policy to appropriate recipients, with a cover sheet detailing what the changes are and their implications. This sheet should be kept with the original.

Review of Policy

This policy will be reviewed on a three yearly basis or at an earlier date if changes are required due to changes in government advice.