

# Disclosure and Barring Service (DBS) Criminal Records Checks Policy

**Compass Disability Services**  
Units 11 – 12 Belvedere Trading Estate  
Taunton, TA1 1BH

September 2018  
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## **Introduction**

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable adults and/or children, through its criminal record checking and barring functions. As an organisation that is frequently in direct contact with vulnerable people, Compass Disability Services uses the DBS to carry out criminal record checks on relevant employees, Trustees and volunteers.

## **Definitions**

**A vulnerable adult** is defined as a person aged 18 or over who is in receipt of one or more of the services listed below and will be considered vulnerable at the time of receiving one or more of the stated services. The Safeguarding and Vulnerable Groups Act 2006 (SVGA) does not label adults as 'vulnerable' because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult receiving the activities. This means, for example, anyone providing personal care to an adult is in regulated activity irrespective of whether that occurs in, say, a hospital, a care home, a day care centre, a prison, in sheltered housing or their own home. The relevant services are;

- Health care
- Relevant personal care
- Social care work
- Assistance in relation to general household matters by reason of age, illness or disability
- Relevant assistance in the conduct of their own affairs
- Conveying due to illness or disability or prescribed circumstances

**A child** is defined as a person who has not attained the age of 18.

**A regulated activity** is defined by law and is work that a barred person must not do.

There is no requirement for a person to carry out regulated activities a certain number of times before they are engaging in regulated activity. Any time a

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person engages in the activities set out in the vulnerable adults definition above, they are engaging in regulated activity.

Regulated activity excludes any activity carried out in the course of family relationships, and personal non-commercial relationships E.g. if you are conveying a friend to a hospital appointment you are not engaging in regulated activity, however if you are conveying the same friend to a hospital appointment in the capacity as a volunteer driver for our organisation then you would be engaging in regulated activity.

A person whose role includes the day to day management or supervision of any person, who is engaging in regulated activity, is also in regulated activity.

Full details on regulated activity in relation to adults can be found at <https://www.gov.uk/government/publications/new-disclosure-and-barring-services>.

Full details on regulated activity in relation to children can be found at <http://bit.ly/K7WPSF>.

### **Policy Statement**

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. Before considering whether to ask a person to make an application for a DBS check, Compass Disability Services is legally responsible for ensuring that they are entitled to ask that person to reveal their conviction history.

In accordance with Compass Disability Services' Vulnerable People Policy and Recruitment of Ex-offenders Policy, we must exercise vigilance and rigour in the recruitment of staff and volunteers who will be working with vulnerable groups. There are also legal obligations for the organisation to check the conviction status of those participating in a regulated activity with children or vulnerable adults.

Compass Disability Services will apply for a DBS Criminal Records Check for:

- All employees and volunteers whose roles fall within the categories known as the Exceptions to the Rehabilitation of Offenders Act 1974 – this includes all members of staff or volunteers whose work is currently defined as regulated activity. These categories can be checked online at: <http://bit.ly/1dhKvw4>.

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- All members of the Board of Trustees – Trustees are responsible for the day to day management and supervision of those engaged in regulated activity and are therefore considered to be also in regulated activity.

An employee or volunteer undertaking a role where a DBS check is required, and all trustees, will not be able to fully participate in their role in an unsupervised capacity until a satisfactory disclosure has been received.

All those whose roles are subject to a disclosure will be required to register with the update service and maintain up to date registration in order for the Operations Manager to check on their disclosure status at least every two years or more frequently if risk assessed as being required. Associated costs will be met by Compass Disability Service. Failure to maintain registration will result in disciplinary action and the post holder having to resubmit a disclosure application at their own expense.

Compass Disability Services will support customers to apply for a DBS check on their employees where they have a legal right to do so and will complete the identity check prior to forwarding the application to our appointed umbrella body for processing.

Compass Disability Services is fully committed to complying with the DBS Code of Practice regarding the secure storage, handling, retention and disposal of DBS certificates and certificate information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation.

Compass Disability Services will refer someone to the DBS if we:

- sacked them because they harmed a child or adult
- sacked them because they might have harmed a child or adult otherwise
- were planning to sack them for either of these reasons, but the person resigned first

This will be done by following DBS guidance that can be found at

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

## **Responsibilities**

It is the responsibility of the Operations Manager, with the approval of the Chief Executive Officer, to complete a risk assessment on each post and determine if a DBS Criminal Record Check is relevant. If a check is determined as relevant it will be noted in the Terms of Employment section of the relevant Job Description or in the Volunteer Role Description.

The Operations Manager is further responsible for ensuring that DBS checks are scrutinised and up to date checks have been completed and recorded for all relevant employees and volunteers.

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The Operations Manager is also responsible for appointing a recognised umbrella body to process DBS checks and ensuring that relevant employees have the appropriate skills and knowledge to complete the identity checks required as part of the checking process.

Ultimate responsibility for ensuring that Compass Disability Services' commitment to safeguarding vulnerable people is upheld lies with the Chief Executive Officer and Board of Trustees.

### **Handling Of DBS Certificate Information**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Compass Disability Services complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

#### **Handling**

The applicant is responsible for completing the application and providing the necessary identity documents to accompany the application. The application and ID documents are checked by a trained identity checker before being forwarded to our appointed umbrella body for processing.

In accordance with section 124 of the Police Act 1997, certificate information is only available 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.

#### **Usage**

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

#### **Storage, Access and Retention**

Certificates and/or copies of certificates are not held unless it is necessary to do so to allow for consideration and resolution of any disputes or complaints. In which case this is generally for a period of up to six months and the 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.

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in very exceptional circumstances, if it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the General Data Protection Regulation, Data Protection and Human Rights of the individual before doing so.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

However, notwithstanding the above, we will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken. In line with policy this information will be used to complete regular checks, as detailed above, using the DBS update service to ensure that certificate information remain current.

### **Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

### **DBS logo**

The DBS logo is protected by crown copyright, the copying and use of the DBS logo is not permitted without prior approval of the DBS.

### **Policy Revisions**

This policy will be reviewed every three years and amended as necessary, or earlier in accordance with any forthcoming legislation. All employees or volunteers should pass suggestions or recommendations for the revision of any aspect of this policy through normal channels to the CEO.

### **Associated documents:**

- Recruitment of Ex-offenders Policy
- Data Protection Policy
- Safeguarding Vulnerable People Policy
- DBS Application Procedure – Staff
- DBS Application Procedure – Trustees and Volunteers
- DBS Application Procedure – Customers
- Standard Statement for all Job Descriptions
- Staff Analysis Spreadsheet
- DBS Control Spreadsheet

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