







DISCLOSURE & BARRING SERVICE (DBS) POLICY

	Directorate Responsibility	Director of HR and OD
	Summary of this policy	The policy identifies why and how DBS checks are used.
	Other policies which should be read in conjunction with this policy	Data Protection Policy GDPR Policy Recruitment & Selection Policy
	Date of last review of Policy	August 2018
	Were changes made to the policy?	No significant changes
	Relevant legislation	GDPR 2018 Police Act 1997, section 124 DBS Code of Practice Rehabilitation of Offenders Act 1974

Links to Key Lines of Enquiry (KLOE)

Key Question	Key Lines of Enquiry (KLOE)
Safe	<ul style="list-style-type: none"> S1 How do systems, processes and practices safeguard people from abuse? S2 How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?
Effective	N/A
Caring	N/A
Responsive	N/A
Well Led	<ul style="list-style-type: none"> W2 Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

Contents

Number	Description	Page Number
1	Purpose	2
2	Scope	2
3	Policy Statement	2
4	Implementation and Procedure	2
5	Appendix – Risk Assessment	5

1. Purpose

The purpose of the policy is to be clear and transparent about how and why the organisation requires DBS checks on current and potential employees and and then how it uses and keeps that information confidential.

2. Scope

The policy applies primarily to all employees. However, this will also extend to volunteers, trustees and applicable stakeholders if falling within the definition of regulated activity.

3. Policy Statement

As an organisation using the Disclosure & Barring Service to help assess the suitability of applicants for positions of trust and with vulnerable adults, Autism Together complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure forms and Disclosure information. It also complies fully with its obligations under the General Data Protection Regulations and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. The Data Protection Policy also refers to the organisation's handling of personal information. Autism Together is also mindful of its obligations under the Rehabilitation of Offenders Act in both the recruitment and retention of offenders.

4. Implementation and Procedures

Storage and access

DBS information is kept securely, in lockable, non-portable, storage containers with access only available to members of the HR Department, Director of HR and Chief Executive

Handling

In accordance with section 124 of the Police Act 1997, DBS information is only passed to those who are authorised to receive it in the course of their duties. Those who are authorised to see disclosures are, in addition to those identified in Section 2 (above), the relevant departmental Directors and Quality & Development Managers. The organisation maintains a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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

Retention

From the date employment commences, DBS information is retained for 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 DBS information for longer than six months, the organisation will consult the DBS about this and will give full consideration to the 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.

Disposal

Once the retention period has elapsed, Autism Together will ensure that any DBS information is destroyed immediately by secure means. It will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a DBS disclosure. However, notwithstanding the above, Autism Together will keep a record by DBS reference number, any relevant convictions, cautions or reprimands and the record of discussion and risk assessment connected to such disclosures.

Adverse DBS at Recruitment

Where a DBS form is received and contains any conviction, caution or reprimand Autism Together will undertake a risk assessment (see Appendix A. below). This could lead to the offer being withdrawn or the recruitment process being terminated.

Driving offences (including drink driving offences) will not normally preclude an applicant but each instance will be considered on a case by case basis with particular regard to how recently the offence was committed and the nature of the post.

When any prospective employee is offered a post, this offer will be conditional to the receipt of a DBS disclosure. The level of disclosure will depend on the nature of the post. All direct care employees ('Regulated Activity') and their managers will require the Enhanced Disclosure.

For employees working in non-direct care posts (non-regulated activity) they will be assessed on a case by case basis as to whether a DBS check is required. Ordinarily, office staff and ancillary employees will be required to complete a standard DBS. However, there may be occasions when non-direct care employees have regular close and unsupervised contact with vulnerable adults and/or children when an enhanced DBS check may be appropriate.

In-service convictions, cautions or reprimands

All employees are required to inform their managers or HR department of any criminal convictions, cautions or reprimands received whilst working for the organisation (Employees Handbook also refers). A meeting will be held with a senior manager of the employee and a member of the HR department. Consideration on their continuing employment will be given following a risk assessment.

Ongoing checks

Ongoing checking of employees will occur on a random basis. 20% of the work force (in a regulated activity) will be randomly checked on an annual basis. This will only

apply to staff who have been employed for 3 or more years (i.e. 3 years since their initial DBS check at the recruitment stage), and who have not been subjected to a DBS check (including the random checking) in the previous 3 years. Any member of staff who has not been checked for 10 years will automatically be required to undertake a DBS check.

Any staff in the DBS Update Service will be checked as described above with their status reviewed rather than the full new check being completed.

The 2 exceptions to the above are;

- for those staff working with children. Checks will be every 3 years.
- for Registered Manager and Quality & Development Managers. Checks will be every 5 years.

When a conviction, caution or reprimand comes to light only as a result of an in-service DBS check, the continuing employment will be considered and a meeting held with the employee's senior manager and member of the HR department. Not only will the offence be taken into consideration (per the above) but whether or not the employee sought to conceal the information and whether there are other disciplinary issues e.g. breach of trust and confidence and breach of procedure.



5. Appendix A

SAFEGUARDING RISK ASSESSMENT

NEW OR EXISTING STAFF WITH CAUTIONS OR CONVICTIONS

Employee: _____ Position: _____

D.O.B: _____ Disclosure type: _____

Disclosure date: _____ Reference No: _____

Assessment date: _____ Telephone No: _____

Assessor's position: _____ Undertaken by: _____

Section A – Offences declared by the applicant or otherwise discussed

Offence	Brief circumstances behind offence (eg for possession of drug offence, what was applicant doing to bring themselves to the attention of the police)

Section B – Discussion between manager/personnel and applicant/employee

Question	Applicable (tick Yes/No – if no, specify why)	Applicant’s explanation/comments
Did the applicant/employee declare matters on the application form and/or declaration form? If not, why not?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Does the individual agree that the information detailed on the CRB certificate is correct?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Does the individual regret the matter(s) or what is their attitude towards the matters now?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Would they do anything different now?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Have the individual’s circumstances changed since the conviction? e.g. location, friends, partner, education?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Are there any mitigating circumstances (eg peer pressure, financial need or lack of judgement)	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	

Declaration by applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature		Date	
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Section C – Assessment of manager/provider

Question	Applicable (tick Yes/No) please explain	Explanation/comments
Do the matters disclosed form any pattern? e.g. is there a cycle or history, recurrence, repeat offences	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Can the applicant/employee demonstrate any efforts not to re-offend e.g. rehabilitation course	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
What is the nature of the contact the individual has with vulnerable adults	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Can any safeguards be implemented to reduce/remove any risk? e.g. no unsupervised contact	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Will the nature of the post present any realistic opportunities for re-offending?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Does this post have any direct contact with the public and how vulnerable are they?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
What supervision is available and how readily?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Additional comments:		

Do you want to proceed with the employment?

Yes: No:

Section D – For Personnel use

Withdraw offer of employment <input type="checkbox"/> continue with employment <input type="checkbox"/>
Is approval dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by employing service/school:

Name		Signature		Date	
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