

Sketty Primary School
Disclosure and Barring Service Policy
October 2023

DISCLOSURE AND BARRING SERVICE POLICY

Cyngor Abertawe
Swansea Council

DISCLOSURE AND BARRING SERVICE POLICY

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DISCLOSURE AND BARRING SERVICE POLICY

1.0 POLICY STATEMENT

1.1 The Disclosure and Barring Service (DBS), an Executive Agency of the Home Office, provides wider access to criminal record information through its Disclosure service.

1.2 This service enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work, especially that involve children or vulnerable adults. The CRB was established under Part V of the Police Act 1997 and was launched in March 2002. This was replaced by the Disclosure and Barring Service in 2012.

1.3 The Council will undertake Disclosure and Barring Service (DBS) Disclosure checks to:

- Provide protection for children and vulnerable adults against those who might wish to harm them;
- To protect the interests of the Council from those who may not be considered suitable to work in sensitive occupational areas.

1.4 The DBS eligibility tool is used to determine what posts within the Authority require a DBS check.

1.5 DBS disclosures are only relevant at the date the application is submitted. It is Swansea Council's policy that 3 yearly renewal DBS checks must be undertaken for all relevant employees.

1.6 The Council will take all reasonable steps to advise candidates as soon as practical when posts are subject to a Disclosure check.

1.7 The Council does not accept portability of DBS certificates from outside organisations.

1.8 The Council does not accept the DBS Update Service with the exception of those scoped out under section 4.2 of this policy.

1.9 The Council is committed to preventing discrimination or any other unfair treatment against any employees, potential employees or a voluntary worker on the grounds of offending behaviour that does not create risk to children or vulnerable adults; or adversely affect the interests of the Council in sensitive occupational areas.

1.10 All employees must be aware that even the most careful recruitment and selection processes will not identify all those who pose a risk to children, young people and vulnerable adults. Everyone must be alert to the risk of inappropriate behaviour by employees, volunteers, contractors, students and agency workers.

1.11 The Council ensures the correct handling and safekeeping of Disclosures and Disclosure information, in accordance with the DBS code of practice - GOV.UK (www.gov.uk)

1.12 This policy is written in accordance with the requirements of the Data Protection Act 2018 and the code of practice for Disclosure and Barring Service. Any individual found to be in breach of this policy may be subject to disciplinary action.

2.0 SCOPE

2.1 This policy applies to:

- all employees
- all schools based staff, including supply/relief staff.
- relief workers
- agency workers and contractors
- all voluntary workers including schools based volunteers
- all Governors, if determined by the Governing Body
- Councillors;
- job applicants;

2.2 The DBS Update Service is not mandatory or accepted by Swansea Council for all those scoped out in section 4.1 above. However, Swansea Council will accept DBS certificates of the following groups who are registered with the Update Service and can provide the relevant information to enable Swansea Council to undertake a status check:

- Student Placements

3.0 DEFINITIONS

3.1 **Disclosure:** A term that is used to describe the service provided by the DBS and the document/certificate issued to the applicant and Registered Body when a Disclosure and Barring Service check has been completed.

3.2 **Disclosure Information:** Disclosure information refers to any additional information and/or approved information that may also be received in relation to the individual's criminal record.

3.3 **Additional Information:** Enhanced checks may contain 'additional' information. Occasionally the Chief Police Officer may, release 'additional' information to the Countersignatory only, in the form of a separate letter. This will be provided if thought necessary in the interests of the prevention or detection of crime, and **should not** be revealed to the applicant.

3.4 **Approved Information:** Enhanced checks may contain 'approved' information. This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The DBS will print this information on both the applicant's and the Countersignatory's copy.

4.0 DBS ELIGIBILITY TOOL

4.1 The DBS eligibility tool is provided by gov.uk and is intended to help those involved in processing DBS checks. This tool takes you through a series of questions to help determine if a particular role is eligible for an basic, standard or enhanced DBS check, including whether or not it is eligible for barred list checks.

5.0 DBS REQUIREMENT

5.1 Prospective applicants should be aware that before any offer of appointment is confirmed the successful candidate will be required to complete an application for the appropriate level of disclosure; the Authority will provide the approved form to be completed.

5.2 The successful candidate's current name, current address and date of birth needs to be confirmed by providing proof. This can be done by supplying documents set out in the DBS's approved documents list.

5.3 The DBS can issue 6 levels of Disclosure Certificates, depending on the position applied for, these include:

- Basic,
- Standard,
- Enhanced,
- Enhanced with Children's Barred List,
- Enhanced with Adults Barred List,
- Enhanced with Child and Adult Barred List.

The DBS application process is detailed in appendix 1.

6.0 BASIC DISCLOSURE

6.1 A basic DBS will check a person's criminal history, convictions and cautions from the Police National Computer (PNC).

6.2 In line with Baseline Personnel Security Standard (BPSS), a basic DBS check will be issued for an employee who has access to government assets. Such positions may include (this list is not exhaustive):

- Registration Officer
- Customer Contact Advisors
- Revenues Officers
- Tenancy Support Officers
- Rents Officers
- Housing Advisor
- Income and Finance Officer

7.0 STANDARD DISCLOSURE

7.1 These may be issued for people entering certain occupations, such as members of the legal profession and accountants. Please note that depending on the area of work involved, members of these professions may require an enhanced check.

7.2 A Standard DBS check, or disclosure, details all criminal history; cautions, warnings, reprimands and convictions held on the Police National Computer, with the exception of the **DBS** filtering rule.

8.0 ENHANCED DISCLOSURE

8.1 The Council will require an Enhanced Disclosure (no barred list check) for all employees who work in roles that are considered to meet the old Regulated Activity definition (pre-10th September 2012).

8.2 The Council will require an Enhanced Disclosure (with barred list check) for all employees who work in roles that are considered Regulated Activity as set out in the Protection of Freedoms Act 2012.

9.0 APPOINTMENTS WHICH MAY NOT REQUIRE DISCLOSURES CHECKS

9.1 Posts which involve no more than a minor degree of contact with children or vulnerable adults or which will be subject to direct supervision may not require a Disclosure.

9.2 Examples might include:

- People who are on site before or after hours when children and/or vulnerable adults are not present;
- Visitors who have business with Council staff or contact with a child or vulnerable adult which does not fall within the scope of regulated activity and where a member of Council staff will be present;
- Visitors who go onto Council sites only to carry out ad hoc repairs or service equipment;
- Building contractors who will only have contact with children or vulnerable adults on an irregular basis for short periods of time or are working on a work site that is segregated from the main establishment;
- Secondary school pupils on work experience;

9.3 This is not a definitive or exhaustive list and should be considered as a guide only. **In all cases consideration should be given as to the level of risk involved** when determining if a Disclosure check is required. In making such assessments, the Council reserves the right to decide whether a Disclosure check is required and what level of Disclosure it deems appropriate.

10.0 OVERSEAS APPLICANTS

10.1 Special care should be taken to utilise all available avenues to check candidates' backgrounds when candidates are from overseas – the DBS website details availability of criminal record checks from overseas, and relevant professional bodies such as Social Care Wales, also have registration processes and guidance that can be followed. The DBS provides an Overseas Information Service which will provide employers with details of the information that applicants may be able to obtain from their country of origin. This may involve obtaining a translation of the information that comes back. Further information and guidance can be found at:

http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1087477219&type=RESOURCES&furlname=DBSoverseas&furlparam=DBSoverseas&ref=&domain=www.businesslink.gov.uk

11.0 ROLES AND RESPONSIBILITIES

11.1 Employees

11.1.1 Employees are contractually obliged to:

- Ensure that their DBS check is always current and up to date
- Ensure that they submit their re-check in a timely manner and at least 3 months prior to the expiration of their current DBS certificate.
- Disclose a criminal conviction obtained during the course of employment.

11.2 New Applicant

11.2.1 Any offer of appointment where a DBS check is required is provisional upon DBS clearance and all other pre-employment checks.

11.2.2 All new applicants have a contractual responsibility to:

- Complete a DBS check application and receive the appropriate DBS certificate prior to commencing employment with the Authority.

11.2.3 If the Disclosure information received might mean that the candidate presents a risk to children or vulnerable adults, the appointment offer will be withdrawn immediately.

11.2.4 A decision to appoint a candidate where there is evidence of a conviction for an offence must be approved in writing by the Head of Service. The relevant manager will provide the Head of Service with a completed risk assessment as part of this process.

11.3 Manager / Supervisor

11.3.1 Managers / Supervisors have a responsibility to:

- to ensure that all new starters have a DBS check (plus all other recruitment checks) in place before they confirm a start date.
- Ensure that any staff who require a DBS check for their position submits their re-check in a timely manner in line with the DBS Renewal Report Process.

11.4 Service Centre Helpdesk

11.4.1 The Service Centre Helpdesk are the administrators of the DBS procedure and will:

- Set up DBS new starter applications on Ebulk via the Upload to Ebulk Form.
- Set up DBS renewal applications on Ebulk via the DBS Renewal Report.
- Administer the DBS Renewal Process.

12.0 AGENCY STAFF AND CONTRACTORS

12.1 It is the recruiting manager's responsibility to inform the agency, contractor, or any other source of non-employed personnel, that a current DBS Disclosure is required, if applicable to the post.

12.2 The providers of agency staff have specific legal obligations relating to the provision of agency staff and contractors. The Procurement Unit are responsible for ensuring that any framework contracts for the provision of Agency staff require providers to have in place the same levels and standards for pre-employment checks as the Council but the ultimate responsibility still rests with the Council.

12.3 Managers must therefore undertake checks to ensure that individuals employed through agencies and undertaking a post in the Council, or delivering a service for the Council, have undergone a Disclosure check at the appropriate level, if applicable to the post.

12.4 The agency/contract worker will be required to produce their original DBS Disclosure certificate **before** commencement of their employment with the regulated service along with proof of identity.

12.5 The manager will be required to note the DBS Disclosure number and date of issue. This information must be retained for inspection in the regulated services.

12.6 When employing Agency Staff, the Council's purchasers will stipulate when ordering that a current Enhanced DBS disclosure (with barring list check, depending on the role) is required to work in various posts connected with children and vulnerable groups.

12.7 The Enhanced Disclosure (with barring list check depending on the role) must have been undertaken by the Agency/Contractor:

- Upon commencement of their agency employment.
- Within 3 years for employees with continuous employment with the agency or contractor.

13.0 COMMENCING EMPLOYMENT PRIOR TO RECEIVING DISCLOURE INFORMATION

13.1 No employee or volunteer should commence work until after receipt of all satisfactory pre-employment checks, including a DBS check.

13.2 In **exceptional** circumstances, where there is an imperative need to commence in post prior to the receipt of a satisfactory DBS check, the Disclosure and Barring Service (DBS) Risk Assessment **MUST** be completed and submitted for authorisation prior to commencement in post. Examples of exceptional circumstances would be:

- severe disruption to service provision; or
- Impact on statutory staffing requirements; or
- If ESTYN requirements for regulated services would not be met.
- If Social Care Wales / CIW requirements for regulated services would not be met.

The most up to date risk assessment should be requested from the ServiceCentreHelpdesk@swansea.gov.uk

13.3 In these instances, the Head of Service or Headteacher in conjunction with the Service Centre can authorise the employee to start work before Disclosure check is received following receipt of a completed Risk Assessment. Decisions must be taken on an individual basis. The Head of Service/Headteacher is responsible for ensuring that they are complying with up to date safeguarding legislation and guidance.

13.4 The offer of employment to the individual and any subsequent employment arising from the offer will be conditional and subject to a Disclosure check that is satisfactory to the Council.

14.0 PEOPLE WITH CRIMINAL RECORDS

14.1 People with criminal records should be treated according to their merits and subject to any special criteria for the appointment for example caring for children and vulnerable adults which debars some in this category. Please refer to the Employment of Ex Offenders Policy in this regard.

14.2 A criminal record may not in itself prevent a person being appointed, but reference should be made to the Safeguarding Vulnerable Groups Act 2006 and any subsequent Regulations and Codes of Practice.

14.3 When the Service Centre representative receives a Disclosure check that indicates a criminal record would debar a person from appointment or may pose a risk, they will inform the appropriate line manager who will then investigate the accuracy of and background to the criminal record with the candidate.

15.0 DUTY TO DISCLOSE A CRIMINAL CONVICTION

15.1 Current employees have a duty to disclose a criminal conviction which is obtained during the course of employment. Failure to disclose a criminal conviction is a disciplinary offence and will be dealt with in accordance with the disciplinary policy. If during a 're-check' a conviction comes to light then the employee's suitability for their current role will need to be reassessed. A common sense approach must be taken and it may be appropriate to suspend the employee whilst such investigations are taking place.

15.2 It is expected that managers will first discuss the Disclosure with the employee and ascertain the facts prior to initiating the Disciplinary Policy. This is, of course, subject to this being appropriate and will depend on the circumstances on a case by case basis.

15.3 Where the Disclosure check reveals an issue that might mean that the employee presents a risk to children or vulnerable adults the manager should consider whether to initiate the appropriate safeguarding and / or disciplinary procedures.

15.4 If the current worker is a volunteer then they should be terminated immediately where the Disclosure check means that the candidate might present a risk to children or vulnerable adults. The voluntary worker should be informed of this decision. There is no appeal mechanism.

15.5 A decision to retain a volunteer where there is evidence of a conviction for an offence must be approved in writing by the Head of Service / Headteacher in conjunction with the Service Centre. The relevant manager will provide the Head of Service / Headteacher with a completed risk assessment as part of this process.

16.0 DISCLOSURE COSTS

16.1 The Council is responsible for all charges for DBS checks for employees of the Council.

16.2 Fees for agency workers and contractors are the responsibility of the supplier.

16.3 All voluntary workers, and adoption DBS checks are free of charge.

17.0 SECURING HANDLING AND USING DISCLOSURE INFORMATION

17.1 The Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the **Data Protection Act 2018** and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosures and Disclosure information and outlines its position below.

17.2 **Storage Access**
Disclosures and Disclosure information will be kept securely and access will be strictly controlled and limited to those who are entitled to see it as part of their duties.

17.3 **Handling**
In accordance with **section 124 of the Police Act 1997**, Disclosures and Disclosure information will only be passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

17.4 Information received by the Council directly from the Police as part of the enhanced disclosure **will not be disclosed to the applicant**.

17.5 **Usage**
Disclosures and Disclosure information are only to be used for the specific purpose for which they were requested and for which the applicant's full consent has been given. This includes disciplinary proceedings which are part of the employment process.

17.6 **Retention**
Once a recruitment (or other relevant) decision has been made, the Council **will not keep Disclosures or Disclosure information** for any longer than is absolutely necessary to allow for the consideration and resolution of any disputes, complaints or disciplinary proceedings. This will be:

- months; or,
- until the next statutory inspection for applicants working in Regulatory services.

17.7 The Council 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 decision taken.

17.8 In exceptional circumstances, where it is considered necessary to keep a disclosure check for longer, the Council will consult the DBS and give full consideration to the Data Protection and Human Rights implications for the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

17.9 **Disposal**
Once the retention period has elapsed, the Council must ensure that Disclosures and Disclosure information are destroyed by secure means.

17.10 **Adherence to Policy**
The day to day operation of the policy is the responsibility of nominated officers/line managers who must ensure that this policy is adhered to.

17.11 **Complaints**
Any applicant or employee who feels that the above policy has not been adhered to may submit a written complaint to the Head of Human Resources and Service Centre.

18.0 FURTHER INFOMRATION

18.1 Further information is available from:

Disclosure and Barring Service - GOV.UK (www.gov.uk)

Useful telephone numbers are:

DBS Helpline: 03000 200 190

19.0 POLICY MONITORING

The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources and Service Centre. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

Version Number	Details of Change	Date
1.0	Introduction of Single Status	1st April 2014
2.0	➢ Removal of Independent Safeguarding Authority (ISA) and umbrella body statues ➢ Addition of Basic Disclosure ➢ Addition of application procedure ➢ Addition of application process ➢ Inclusion of the DBS Update Service for Student Placements	June 2023

APPLICATION PROCEDURE

20.0 REQUIREMENTS OF EMPLOYEES / APPLICANTS

20.1 Employees / Applicants have a personal responsibility to:

- provide supporting documentation and evidence, for a DBS check to be carried out.
- provide their existing DBS certificate on request.
- disclose all of the necessary information, for a DBS check to be carried out.
- make their line manager or supervisor aware of any change in personal circumstances that could be relevant to their existing DBS check during their employment;
- inform their line manager or supervisor immediately of any convictions, cautions, arrests or allegations of criminal behaviour that have occurred since their last DBS check was completed;
- To submit their DBS renewal application prior to the expiration of their current DBS check. If their DBS check lapses, they may be suspended from their duties;
- Failure to complete their three year renewal could lead to disciplinary action being taken.

20.2 All employees must be aware that even the most careful recruitment and selection processes will not identify all those who pose a risk to children, young people and vulnerable adults. Everyone must be alert to the risk of inappropriate behaviour by employees, volunteers, contractors, students and agency workers.

21.0 REQUIREMENTS OF MANAGERS AND SUPERVISORS

21.1 Managers and supervisors have a responsibility to:

- promote awareness of and monitor compliance with safeguarding arrangements within their areas of responsibility;
- to ensure that all new starters have a DBS check and all pre-employment checks in place prior to commencing employment.
- Ensure that their staff who require a DBS check for their position submits their renewal application prior to the expiration of their current DBS check.

21.2 Should any manager fail to adhere to their responsibilities as outlined above the matter may be considered under the Authority's Disciplinary Policy.

21.3 Managers and supervisors must be aware that even the most careful recruitment and selection processes will not identify all those who pose a risk to children, young people and vulnerable adults. Managers and supervisors must therefore be alert to the risk of inappropriate behaviour by employees, volunteers, contractors, students and agency workers.

21.4 Where a DBS has expired, then a DBS risk assessment **must** be completed and returned to ServiceCentreHelpdesk@swansea.gov.uk. The risk assessment can only be put in place for a maximum of 4 weeks.

21.3 Where appropriate, the Manager / Supervisor should inform the employee in writing of their requirement to complete their DBS renewal.

22.0 REQUIREMENTS OF THE SERVICE CENTRE HELPDESK

22.1 The Service Centre Helpdesk are the administrators of the DBS procedure and will:

- Set up DBS new starter applications on Ebulk via the Upload to Ebulk Form.
- Set up DBS renewal applications on Ebulk via the DBS Renewal Report.
- Administer the DBS renewals process.

22.2 The Service Centre Helpdesk will also be the first point of contact should an applicant or Manager/Supervisor have a query. The Service Centre Helpdesk can be contacted via phone on 01792 636098 or email servicecentrehelpdesk@swansea.gov.uk

22.3 The Service Centre Helpdesk will analyse the DBS reports and liaise with the necessary personnel to ensure the process is fulfilled.

22.4 The Service Centre Helpdesk will administer the non-compliance procedure when an applicant has failed to complete a renewal within the given timescales. It will also administer the 'Adverse' process when a certificate is returned with content.

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APPENDIX 1

APPLICATION PROCESS

New Applicant:

1. An Upload to Ebulk form will be completed by either the Workforce Transactional Team or the School and sent to servicecentrehelpdesk@swansea.gov.uk
2. The Service Centre Helpdesk will action the Upload to Ebulk form and the new applicant will be sent an email from the Ebulk system, containing a username, password and link to the online application.
3. The applicant must complete this application within 7 calendar days of receiving the email. If they do not complete within 7 calendar days, they are sent an email reminder to do so every 5 calendar days until the application is completed.
4. Once the application has been submitted by the applicant, they will receive an email to say that a Verification Officer will contact them to arrange their ID check. For Schools this will be the nominated DBS administrator, for non-schools this will be the Service Centre Helpdesk
5. The applicant will be required to provide original ID documentation to support their application to the nominated Verification Officer
6. Once the Verification Officer has completed their checks and entered the relevant information in to the Ebulk system, the application is then picked up electronically by Powys County Council to countersign and it is then submitted to the DBS for processing.
7. The applicant will receive a paper certificate to their home address – they should keep this for information.
8. If the certificate contains no adverse information, an electronic certificate will also be issued to the manager and to the Service Centre Helpdesk.
9. The manager will retain the certificate for their information, and the Service Centre Helpdesk will update the applicants record on Oracle.
10. If the certificate has adverse content, then the Adverse procedure will apply.

Renewals:

1. The Service Centre Helpdesk runs a monthly report to pick up all renewal dates within the next 120 days.
2. This report holds all the information needed to automatically upload the applicants details on to the Ebulk system
3. Once the applicants details have been uploaded to the system, the process follows steps 3-10 from the New Applicant Process
4. The renewal reports are also sent to all Heads of Service, Schools and Headteachers for their information.

FAQ's

1. **I haven't received the link to complete my DBS?** If you haven't received the link, you will need to contact the Service Centre Helpdesk so they can reset your account.
2. **What ID can I use**? When your application is set up, the initial email you will receive lists what identification you can use. Alternatively, a list of ID can be found here: https://www.gov.uk/government/publications/dbs-identity-checking-guidelines
3. **What happens if a manager is off work?** The DBS is set up to the manager listed on Oracle (for non-school employees). If the manager is not in work, the Service Centre Helpdesk need to be informed so the manager on the DBS application can be changed.