

YSGOL GYNRADD



**DBS Policy**  
(LA Adopted)



# **DISCLOSURE AND BARRING POLICY**

**Human Resources Division  
Directorate of Resources  
Cabinet 23/02/15  
Implementation Date 01/03/15**

## DISCLOSURE AND BARRING POLICY

**This document is also available in large print and other formats, upon request.**

- 1.1 The Vale of Glamorgan Council is committed to the protection, welfare and safeguarding of children and vulnerable adults and expects all staff and volunteers to share this commitment.
- 1.2 To determine the suitability of individuals with access to children and/or vulnerable adults and allow the Council to meet its legal obligations, the Council uses a range of effective and robust vetting procedures including the Disclosure and Barring Service (DBS). This includes suitability of preferred candidates, volunteers, contractors, agency staff, those transferring within the council and the continued employment of those specific roles which require reassessment.
- 1.3 The Disclosure and Barring Service replaces the former Criminal Record Bureau (CRB) and Independent Safeguarding Authority (ISA)
- 1.4 Where the term vulnerable adult is used, this is where an adult is in receipt of, or accessing a service which leads to that individual being considered vulnerable at that particular time.
- 1.5 This policy outlines the standards which are required in relation to the Disclosure and Barring process and supported by a number of policies and procedures to ensure these commitments are met, which include:
  - Recruitment and Selection policy (Corporate staff)
  - Recruitment and Selection policy (School based staff)
  - Child/Adult Protection policies
  - Data Protection guidelines/policies
  - Safer Recruitment policy and supporting guidelines
  - DBS Code of Practice
  - DBS Supporting Guidance
  - Rehabilitation of Offender Act
  - Whistleblowing policy
  - Anti-fraud and bribery policy
  - Safeguarding policy statement for Vale Governors
  - Policy Statement on the recruitment of ex-offenders
- 1.6 All the above must be read in conjunction with this policy. Failure to apply the standards as outlined in this policy will be regarded as a disciplinary matter.

- 1.7 The Council expects service areas and governing bodies to take responsibility for arranging all appropriate checks not only in relation to employees but also agency workers, volunteers and contractors.
- 1.8 In addition to the above, the Council expects the core elements of this policy to apply to vetting applications for fostering and adoption arrangements and licensing procedures.
- 1.9 Disclosure and Barring checks do not substitute the need for additional pre-employment checks, for example references, as outlined in the recruitment and selection policy and the safer recruitment policy
- 1.10 Disclosure and Barring checks can be used to determine the suitability of an existing employee's continuing employment with the Council with their written prior permission. The Personnel Officer must be consulted beforehand in all circumstances.
- 1.11 Separate arrangements exist for school governors as outlined in the Council's Safeguarding policy statement for Vale Governors.
- 1.12 Arrangements for contractors will be developed by the manager responsible for procuring a specific contract/service. DBS requirements must be included in specifications/contracts/service agreements as appropriate depending on the type of service being procured. Advice can be sought by contacting Corporate Procurement or Legal Services in addition to recourse to the corporate guidance contained in this policy.
- 1.13 A DBS disclosure/Update Service status check must only be carried out on roles identified by applying the eligibility criteria (appendix A in the supporting DBS guidance).
- 1.14 The Council expects the information provided within a DBS disclosure/Update Service status check to be considered carefully and appropriately. Where there are concerns or issues they must be considered and addressed in accordance with the guidance and code of practice. It may be necessary to seek advice from the DBS or a safeguarding officer. Details in relation to this are within the guidance.
- 1.15 A new DBS disclosure/Update Service status check is required where there has been a break in attendance at work of 12 months or more. Where the employee returns to work prior to receipt of the new DBS disclosure, appropriate safeguarding arrangements must be put in place.
- 1.16 A DBS check/Update Service status check cannot be carried out on a person under the age of 16.
- 1.17 The Council expects for these checks to be carried out diligently and regularly in accordance with the guidance.

## 2.0 Roles and Responsibilities

2.1 DBS disclosures are accessed through a Registered Body authorised by the Disclosure and Barring Service. This Council is a registered body.

2.2 The Lead Signatory and any Counter Signatories will be subject to an Enhanced check as part of their application

2.3 The Lead Signatory has overall responsibility for overseeing strategic responsibilities and monitoring the policy and procedures.

2.4 Chief Officers and Head Teachers are responsible for

- the application of the policy within their respective service area/school
- identifying if a DBS check is required and if so the level of the check for the role/workforce taking into account the eligibility criteria
- for informing the relevant officers and the Counter Signatory of their determination. For the purposes of recruitment this must include the relevant Directorate HR Officer
- for determining the suitability of the DBS disclosure as outlined in the DBS support guidance document.

2.5 Where a DBS check is required this must be clearly identified by the line manager/Head Teacher within any recruitment documentation.

## 3.0 Rehabilitation of Offenders Act

3.1 The Council is required to adhere to the Rehabilitation of Offenders Act for all those positions exempt from the provisions of the Act. Such posts include, but are not restricted to positions that require working with children and/or vulnerable adults. Any convictions or issues raised as part of the process, must be discussed with the applicant prior to any offer or withdrawal of employment.

3.2 All potential applicants must be notified of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision.

3.3 The Council requires managers to treat DBS applications who have a criminal record fairly and not to discriminate because of a conviction or other information revealed. The Council's policy statement of the recruitment of offenders is available in appendix B of the DBS supporting guidance.

#### 4.0 Code of Practice

- 4.1 All members of staff involved in the process must comply with the DBS Code of Practice. Failure to do so will result in disciplinary action.
- 4.2 The Council will provide a copy of the DBS Code of Practice to applicants upon request.

#### 5.0 Duty to refer to the Disclosure and Barring Service

- 5.1 It is a criminal offence for barred individuals to work or attempt to work with children and/or vulnerable adults or for an organisation to allow a barred individual to work or attempt to work with children and/or vulnerable adults.
- 5.2 This Council expects recruiting managers to immediately inform their Head of Service/Head Teacher, Safeguarding Officer and Personnel Officer if they become aware of a person who attempts to engage in regulated activity who is barred from working with the relevant group. For school employees the safeguarding Governor must also be informed.
- 5.3 Where a Head of Service/Head Teacher withdraws permission for an individual to engage in regulated activity, or may have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not Regulated Activity they are under a duty to immediately refer the matter to the DBS.

#### 6. DBS renewal arrangements

- 6.1 It is a legal requirement that DBS checks must be renewed on a 3 yearly basis for positions in services which are regulated by the CSSIW.
- 6.2 For all other positions, there is no current requirement for a renewal. This Council expects officers to comply with the law in relation to renewals. Other than for those positions which specifically require checks to be carried out within a certain time frame such as those referred to in 6.1 above the Council does not have a requirement for specific time frames for renewals to be carried out. This is because the Council as an organisation is very diverse and a blanket renewal policy would not be consistent with the law concerning DBS checks. However within the guidance there is information on what managers should consider in relation to whether or not a renewal is appropriate.

## 7.0 DBS Portability

7.1 DBS disclosures are only portable where the person has subscribed to the DBS Update Service or for internal appointments (see 7.2)

7.2 In circumstances where a portable DBS check is in place, the Council does not object in principle to it be utilised in different roles providing there are no changes to the client/workforce group and the level of check required for the new role is appropriate. Further information is within the supporting guidance.

## 8.0 Secure handling, retention and disposal of DBS disclosure certificates

8.1 All employees must ensure that they fully comply with the DBS Code of Practice and relevant Data Protection legislation in relation to secure handling, sharing and disposal of DBS information.

8.2 All data disclosed by the DBS must be treated as sensitive personal information and handled in line with Data Protection.

8.3 Copies of DBS disclosures/Update service status checks can only be taken with the applicant's prior written permission. This must include consent for the council/school to retain and reproduce a copy of the disclosure/status check. The copy must then be stored in a secure and confidential manner in line with Data Protection legislation and council policies and procedures.

8.4 DBS disclosures/Update Service status checks for new employees and renewals must be retained until the next inspection or for 12 months whichever is the sooner for positions in services regulated by CSSIW.

8.5 For all other positions (see 8.4 above) the service can determine to either retain or destroy the copy of the DBS disclosure/update service status check.

8.6 Where the service decides not to retain a copy of the DBS disclosure, the applicant's name, DBS certificate number, date of issue, type/level of check, the position for which it was requested and details of the recruitment decision must be recorded and stored on a secure internal list/register. For update service status checks, the service must also record the outcome of the check.

8.7 Disposal of any DBS disclosure/Update service status checks must be by secured means i.e. cross shredding, pulping or burning.

## 9.0 Multi Agency/Collaboration Working

9.1 Where the post involves working with other agencies or departments, it may be necessary for managers to share the details of the DBS disclosure and references with associated agencies. In all cases managers must ensure that the individual has provided their prior written consent to release the information to the intended recipient including disclosing their name and the

organisation. Under no circumstance can the outcome of a DBS check/Update Service status check be provided or discussed with a third party without the individuals consent unless under legal obligation to do so.

#### 10.0 Umbrella Organisation

10.1 The Council will act on behalf of an outside organisation to undertake a DBS check for their employees on condition that the outside organisation is contracted/providing a service for either the Vale of Glamorgan Council or the local community or the company is registered/operates from within the Vale of Glamorgan. These arrangements are subject to the outside organisation adhering to the conditions set by the DBS and those of the Council and subject to appropriate charges.

10.2 A DBS check cannot be processed by the Council where a self employed person is not a resident within the Vale of Glamorgan Council or does not have a contract/contract of services with the Council/School or its partners.

#### 11.0 Training

11.1 Staff involved in counter-signing or checking DBS application forms or accessing the DBS Update Service to undertake status checks must have attended the Council's internal DBS training before becoming involved in any part of the process. Staff must also attend any subsequent refresher training as identified by the Lead Signatory as and when required.

11.2 In the case of attendance at appropriate training for all counter signatories the responsibility remains with the Lead Counter Signatory/Directorate Safeguarding Officer, **HOWEVER**, for **ALL** checkers, this remains the responsibility of the authorising Counter Signatory

#### 12.0 Further information and support

12.1 Further advice in relation to the application of this policy is available from the Directorate Safeguarding Officer and for employees, the relevant Personnel Officer.

#### 13.0 Review and Monitoring Arrangements

13.1 This policy will be reviewed on a regular basis and in light of any subsequent legislative changes.

13.2 The application of the policy will be reviewed and monitored by Internal Audit as part of their scheduled audit programme with all schools and service departments.

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<b>Headteacher -</b>	Huw Jones		