Disclosure and Barring Service (DBS) Policy

1.0 General Principles & Policy Summary

1.1 As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Ways for Wellbeing UK CIC complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

1.1.2 It also complies fully with its obligations under the Data Protection Act 1998 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.

1.2 Storage & Access

1.2.1 Certificate information should be kept securely in the Company One Drive 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.

1.2.2 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.

1.3 Handling of DBS Certificate Information & Usage

1.3.1 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.

1.3.2 Retention Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to 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 certificate information for longer than six months, we 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.

1.4 Disposal

1.4.1 Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by permanent deletion, 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.

1.4.2 However, notwithstanding the above, we may 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.

2.0 Referral to the Disclosure and Barring Service (DBS)

2.1 The Safeguarding Vulnerable Groups 2006 Act sets a legal duty for WAYS FOR WELLBEING UK CIC to refer information to the DBS if a member of staff/volunteer/contractor is dismissed or removed from working with children and/or adults (in what is legally defined as Regulated Activity) because they meet the referral criteria. Ways for Wellbeing UK CIC has a duty to refer information to the DBS as a Regulated Activity Provider.

3.0 Enhanced DBS And Barred List Re-Checks For Employees

3.1 If a post requires an Enhanced DBS check or an Enhanced check for Regulated Activity WAYS FOR WELLBEING UK CIC can legally re-check their staff as regularly as they wish to.

3.2 Where there are reasonable grounds WAYS FOR WELLBEING UK CIC may require existing employees to re-apply for an up to date Enhanced DBS

check or Enhanced check for Regulated Activity. It reserves the right to ask existing members of staff in relevant positions to apply for a new DBS check if their actions or activities give 'cause for concern'. The grounds for 'cause for concern' could include allegations of suspicious or inappropriate behaviour made by a child or other person or a colleague, parent, carer or member of the public. In such instances, a full investigation of any such allegations will be conducted in accordance with WAYS FOR WELLBEING UK CIC's Disciplinary Procedure.

As part of the investigation process, the employee may be required to undergo an Enhanced DBS check or Enhanced check for Regulated Activity with consideration and legal advice taken in respect of human rights and employment legislation.

4.0 Establishing Criminal Records Disclosure Requirements For A New Post

4.1 All posts that do not meet the requirements for a Standard or Enhanced DBS check will require a Basic Disclosure.

5.0 Recruitment

5.1 All recruitment will be in line with WAYS FOR WELLBEING UK CIC Recruitment guidelines.

5.2 The minimum age that someone can have a criminal record check is 16 years old.

5.3 The fact that someone is on the Barred List will not be stated on an Enhanced DBS check, but there will be details of criminal convictions that would indicate that someone might be on the Barred List and the Exec team must investigate thoroughly if any such disclosures are received.

6.0 After Recruitment

6.1 As part of an employee's induction new employees should be made aware of their commitment to safeguarding children and adults.

6.2 It is WAYS FOR WELLBEING UK CIC's policy that staff and volunteers Job Offers are subject to a satisfactory DBS check being received.

7.0 Applicants With Adverse Disclosures

7.1 If a Criminal Records check reveals details of convictions which may render the applicant unsuitable for the applied post – termed 'Cause for Concern' - the Exec team will discuss the situation with the applicant in line with the relevant Code of Practice. The applicant will be asked to sign a completed risk assessment to verify the information provided and give permission for the risk assessment to be stored securely and later destroyed.

7.2 When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and the risk assessment will support the Exec team's decision enabling them to assess the suitability of the applicant for their proposed position in light of matter(s) disclosed on their DBS certificate. In some cases the Exec team may wish to discuss the information with our insurers or seek human resources or legal advice prior to discussing it with the applicant for guidance.

7.3 Having a conviction will not necessarily bar someone from employment with WAYS FOR WELLBEING UK CIC who will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests must be weighed against the rights and interests of clients, employees and the public, including WAYS FOR WELLBEING UK CIC's duties and responsibilities towards these or other groups.

7.4 The Exec team will not allow personal prejudices to influence their judgement and good practice.

7.5 If the candidate has made a false declaration on their application form then WAYS FOR WELLBEING UK CIC will not be able to confirm the appointment. If the disclosure certificate contains information that was not revealed by the candidate or additional information from the Police is received it will be necessary to hold a further discussion with the candidate

and undertake a further review against any risk assessment before deciding to confirm or withdraw the offer of employment. HR and legal advice should be sought at this point.

7.6 It is an offence for a barred person to work, apply to work or offer to work in Regulated Activity with a group they are barred from working with. Candidates on the Barred List will not be employed in Regulated Activity by WAYS FOR WELLBEING UK CIC. If the checks reveal that a candidate is on the Barred List for Regulated Activity WAYS FOR WELLBEING UK CIC will make a referral to DBS to notify them of the individuals attempt to apply for barred work.

8.0 Employees With Adverse Disclosures

8.1 Where existing employees, who have not been previously checked, or their post requires a re-check and subsequently have an adverse disclosure result, the manager should follow the guidance in section 7 Applicants with Adverse Disclosures and complete a Risk Assessment and discuss the contents with an HR Adviser. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups, property/information/resources etc. depending on the nature of the disclosures and pending the outcome of a full investigation. It may be that there are no suitable duties the employee could undertake during this period which do not bring them into contact with children/adults. If this is the case, the manager must give consideration to suspending the employee on full pay pending the outcome of the disciplinary investigation.

8.2 The employee may confirm or refute the information provided by the DBS, where this is the case the HR adviser in conjunction with the employee's line manager may pursue a range of options and this may include further checking with the DBS.

8.3 When completing a Risk Assessment it should be considered whether the conviction is relevant to the post and evidence of previous convictions should not be used to dismiss a person for poor job performance. The track record of the individual should be carefully assessed and if it is satisfactory,

this should be considered positively. If the disclosure results are considered to be of a serious nature and prove to be correct the manager may consider various options.

Options include:
• Termination of employment.
• Redeployment pending the availability of a suitable vacancy.
• The introduction of safeguards.

8.4 Only after a full appraisal of the situation including the risks involved and other alternative employment options investigated should dismissal be considered and then only after advice from HR. If the manager decides to consider termination of employment, then the employee must be informed in writing and a hearing held in line with WAYS FOR WELLBEING UK CIC's Disciplinary Procedure.

8.5 If the disclosure results are considered not to be serious and do not impinge on an employee's ability to work in their existing role the line manager should inform the employee accordingly in writing.

9.0 Employees Supervising Young People During Work Experience

9.1 If, as part of an employee's duties they are asked to supervise young people (under 16's) on work experience this is regulated activity and an enhanced DBS check with Children's Barred List is required.

10.0 Contractors

10.1 The organisation providing the contractor is legally the employer of any contractors and the responsibility to obtain a relevant DBS check or Enhanced check for Regulated Activity is theirs. This check can then be used within any organisation that contractors are provided to.

11.0 Volunteers

11.1 A volunteer is described as a person who performs an activity which involves spending time unpaid (except for travelling and approved out of

pocket expenses) doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

11.2 Volunteers who assist on a regular basis in a role which meets the parameters for requiring a DBS check are required to undertake a DBS check, and if the role is also classed as Regulated Activity they will be eligible for an Enhanced check for Regulated Activity.

11.3 The disclosure is provided free. Some people can be referred to as volunteers but do not actually meet the DBS' criteria to get a free disclosure check. To qualify for a free of charge disclosure, the applicant must not benefit directly from the position the DBS application is being submitted for.

The applicant must not:

• receive any payment (except for travel and other approved out of pocket expenses);
• be on a placement/work experience;
• be on a course that requires them to do this job role; and/or
• be in a trainee position that will lead to a full-time role post qualification.
11.4. Volunteer roles should be properly described under 'role of applicant' on the DBS disclosure form e.g. "volunteer classroom helper".

12.0 Gender Recognition Certificates

12.1 The Gender Recognition Act 2004 allows people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender recognition certificate has been issued, the person is legally considered to be of the acquired gender.

12.2 If the person is required to undergo a DBS/Basic Disclosure check as part of the recruitment process they must disclose any previous names and/or gender to the DBS who have established a special application procedure/dedicated contact officer to maintain confidentiality:
• DBS - email: sensitive@dbs.gsi.gov.uk

12.3 Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Police Authority, as a clear disclosure certificate is the ultimate result. However, if they did have convictions under their previous gender that were considered relevant to the post/position, then the individual's gender change would become evident through the provision of conviction information on the DBS disclosure certificate showing both gender names.

13.0 Data Protection

13.1 WAYS FOR WELLBEING UK CIC will ensure that sensitive personal information is held securely, and only seen by those entitled to see it in the course of their duties.

13.2 Under section 124 of The Police Act 1997 it is a criminal offence to pass disclosure information about a spent conviction to anyone who is not entitled to receive it. Serious misuse of a person's criminal record could result in a prison sentence of up to six months or a fine of up to £1,000, or both.

14.0 Complaints

14.1 Applicants unhappy with any aspect of the DBS process, including the application of this policy, should initially raise their concerns with WAYS FOR WELLBEING UK CIC.

14.2 The above complaints procedures are intended to deal with WAYS FOR WELLBEING UK CIC own internal processes. Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the Disclosure and Barring Service.