

# Pioneering Care Partnership DBS Policy and Procedure



## Background

The Disclosure and Barring Service (DBS) was created following the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). A CRB check is now called DBS check and the two lists previously maintained by ISA of individuals who are unsuitable to work with children and adults are now call DBS 'barred lists'.

A DBS check may be needed for applicants, employees and volunteers with access to children under 18 years of age, vulnerable adults, those who carry out a regulated activity or who are in other positions of trust. PCP is committed to the fair treatment of its employees, trustees, volunteers, potential employees and users of its services, regardless of offending background. This policy provides guidance for all.

## Policy Scope

This policy has been written to provide clarity and guidance to all those who are, or are planning to work with children or vulnerable adults and those recruiting them; it explains the processes necessary to protect them, these groups and the PCP. It also provides guidance on dealing with any convictions that may arise from a DBS check.

This policy and procedure applies to all employees, candidates to whom a conditional offer of employment has been made, trustees and volunteers for roles where they have direct access to service users, vulnerable adults and children.

## Rehabilitation of Offenders Act 1974

PCP meets the requirements under section (2) of the Rehabilitation of Offenders Act 1974 to ask exempted questions. Individuals who are offered employment with or who during their existing employment have access to children less than 18 years of age, vulnerable adults or are in other positions of trust will be required to obtain criminal records check from the DBS.

## Existing Employees

For the purposes of this policy existing employees will include anyone who holds a contract of employment with PCP. This includes employees with permanent, temporary, fixed term, flexible, and casual work contract. The policy also applies to honorary contract holders, as well as volunteers working for PCP and Trustees.

## Applicants

For the purposes of this policy applicants will include anyone who is offered a post with PCP, subject to pre-employment checks. This includes applicants for permanent, temporary, fixed term, and casual positions. It also includes individuals who are trustees or volunteers.

## Agency workers

For the purpose of this policy agency workers will include anyone who works in PCP but is employed by an approved agency.

## **Self Employed Contractors**

For the purpose of this policy self-employed contractors will include anyone who undertakes work on behalf of PCP and for whom an 'off-payroll' arrangement is in place in relation to the payment of their fees.

## **Definitions**

**Regulated Activity Work** which involves close and unsupervised contact with vulnerable groups and children. This covers the provision of health and / or social care by or under the supervision of a health professional, including triage services and medical advice provided over the phone. It covers the provision of personal care and / or household assistance to an adult who needs it because of their age, illness and / or disability. **See appendix 1.**

**Vulnerable Adult.** The new definition of regulated activity relating to adults no longer labels adults as vulnerable; instead the definition identifies the activities which, if any adult requires them lead to that adult being considered vulnerable at that particular time. Adults at Risk.

**Disclosure.** Describes the service provided by the DBS and the document issued to the applicant and Registered Body when a DBS check has been completed.

**Evidence Checker.** A person within PCP who is authorised to check original identity documents and record on the online form that they have verified the original documents supplied by the DBS applicant.

**Counter-signatory.** A person within a Registered Body who is registered with the DBS to countersign paper applications.

**Lead Counter-signatory.** An appointed figure within a Registered Body who has overall responsibility for the use of the DBS checks in their organisation.

**PoCA.** Protection of Children's Act.

**PoVA.** Protection of Vulnerable Adults.

**DBS Update Service.** An online subscription service that allows individuals to keep their standard and enhanced DBS certificates up-to-date. It also allows employers to check a certificate online, with the individuals consent provided they are applying for a position which requires the same level of check.

## **Levels of Disclosure**

There are three levels of DBS checks - basic, standard and enhanced.

**Basic Check** - this will contain details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.

**Standard check (Standard Disclosure)** – will show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer.

**Enhanced checks (Enhanced and Enhanced with Barred)** - contains the same information as the Standard disclosure plus any relevant and proportionate information held by local police forces as well as a check of the new Children and / or Vulnerable Adults barred lists where requested.

The level at which a disclosure is processed depends on whether the individual is working in a “Regulated Activity” or not (**See appendix 1**). PCP is restricted by law to only carrying out DBS checks at the appropriate level for the role.

## **Responsibilities**

### **Appointing Managers/volunteer co-ordinators and HR are responsible for:**

Ensuring that staff and volunteers have the required level of DBS check prior to commencement in post unless in exceptional cases an appropriate risk assessment has been completed and authorised by Senior Manager, HR and relevant Executive Lead/Designated Safeguarding Lead.

Ensuring that employees and volunteers understand their responsibilities in line with this policy taking appropriate action where a disclosure is made using the relevant documentation and escalate as appropriate.

### **An applicant is responsible for:**

At application stage (employment and voluntary), completing the appropriate declarations honestly and accurately as required by PCP. Ensuring they have registered for the DBS Update Service and completed the check, if required, in a timely manner.

### **An existing employee/volunteer is responsible for:**

Informing their line manager/volunteer supporter immediately if they are subject to criminal proceedings; registering for the DBS Update Service on the re-check point and maintaining that service, as required.

### **Human Resources Department is responsible for:**

Checking an individual’s DBS Update at the pre-employment/volunteer applicable stages.

Providing advice on the next steps following receipt of a DBS check that details disclosures or bars an individual from working with children or vulnerable adults.

Escalating concerns to the relevant managers, concerns may include employee or applicant continually failing to attend for a recheck meeting or completing online pre check in a timely manner.

## Categories of DBS Requirements

You can find out what DBS check is right using the Gov.UK checker -

<https://www.gov.uk/find-out-dbs-check> and/or review **appendix 1 summary of Regulated Activity**.

You can also contact the Regional DBS Office for further guidance at [The DBS Regional Outreach service - GOV.UK](#)

## Procedure

The requirement to have a DBS check is assessed on a role-by-role basis by the Appointing Manager, Project Lead or Volunteer Supporter.

### Introduction

#### **Applicants – prospective employees**

Appointing Managers will state the level of check required within their authority to recruit form. These requirements will be clearly stated on job adverts and descriptions. If it has been determined that the role requires a DBS check, a successful applicant or prospective volunteer will be required to undertake a DBS check before an unconditional offer of appointment is made.

Employee offers remain conditional until all pre-employment checks have been completed and are deemed satisfactory.

#### **Existing employees**

All employees are required to register for the DBS Update Service if their role requires a standard or enhanced DBS.

Existing employees will not be required to register for the Update Service until their next 3-year check is due.

#### **Applicants – volunteers**

If a volunteer role requires a DBS check the relevant Project Lead and Volunteer Supporter will ensure that the role description clearly states what level of DBS is required. These requirements will be clearly stated on volunteer adverts.

Due to the nature of work that PCP undertakes, a basic DBS is a minimum for all volunteer Trustee roles.

#### **Existing volunteers**

All volunteers are required to register for the DBS Update Service if their role requires a standard or enhanced DBS.

Existing volunteers will not be required to register for the Update Service until their 3-year check is due.

## Registering DBS

### Registering for the DBS Update Service for standard and enhanced checks

The Update Service allows an employer or volunteer organisation to check a DBS certificate and for an individual to keep their DBS certificate up to date.

All successful applicants, existing employees, prospective volunteers, existing volunteers, self-employed contractors and trustees who need a standard or enhanced DBS check for their role will be required to register for the DBS Update Service.

Follow this link to register - [DBS CRSC](#)

It costs £16 per year and can be paid by debit or with credit card. It can be claimed as an expense.

There is no charge for volunteers. Self-employed contractors are required to pay at their own expense.

Once registration and a check has been completed the individual must send the HR team the following details so they can check the certificate online:

- Certificate number
- PCP role
- Surname
- DOB
- Consent Code

### Registering for basic DBS checks

If a successful applicant, existing employee, prospective volunteer, existing volunteer, self-employed contractor or trustee requires a basic DBS check for their role they are required to submit a basic DBS check via the Government website.

It can be claimed as an expense. Follow this link - [Request a basic DBS check - GOV.UK](#)

Once registration and a check has been completed the individual must send the HR team the following details so they can check the certificate online:

- Certificate number
- PCP role
- Surname
- DOB
- Consent Code

Due to the nature of work that PCP undertakes, a basic DBS is a minimum for all Trustee roles.

For basic DBS a 3 yearly manual re-check is required. HR will keep a record of when a basic re-check is required and prompt the individual to undertake the re-check at least 1 month in advance of expiry, when required.

If a re-check is not completed in a timely manner a suspension of the role may be considered. Any suspension and the reasons why would be discussed with the individual. No employee or volunteer should be suspended without agreement with HR.

Note: As a charity that supports communities with disadvantage, we are mindful of barriers to volunteering. If a volunteer is in financial need and there is a requirement for them to pay for basic DBS, support can be discussed with our finance team.

### **Risk assessment. Commencement and continuation of a role**

In exceptional circumstances, and where a DBS requirement is not enhanced, an individual may be allowed to commence their role before a full and satisfactory DBS check has been received. However, this must be on a case-by-case basis. In these circumstances the Appointing Manager or Volunteer Supporter would need to first discuss the case with their Senior Manager and undertake a supervision control risk assessment that showed evidence that they have considered the potential associated risks with the necessary controls and supervision.

The controls risk assessment is signed off by the Senior Manager with relevant Executive level and submitted to HR. The HR team will not progress a start date for employees or authorise a volunteer commencement without this being fully approved. The additional safeguards must be put in place.

If an individual requires an enhanced DBS, this must be in place in advance of their start date. If there is a significant delay and in exceptional circumstances, the Appointing Manager or Volunteer Supporter can discuss with HR the potential for a start date without sight of the DBS check, however, the supervision controls risk assessment procedures above must be completed. Any start dates agreed on this basis must be considered carefully and not be the norm.

Failure to reveal information at the application stage could lead to the withdrawal of an offer of employment, volunteer opportunity or action under the PCP's Disciplinary Procedure for employees. Having a criminal record will not necessarily bar individuals from working or volunteering within PCP but the nature of the position and the circumstances and background of the offence(s) are considered.

Once a manager (senior and line) or volunteer supporter are aware of disclosure information, an **Appendix 2 Risk Assessment for Offending Disclosures** must be completed by the relevant Senior Manager to assess the impact of the caution, charge or conviction on the ability to commence or continue in the role.

There may be occasions when a suspension of role is appropriate. Any suspension and the reasons why would be discussed with the individual. No employee or volunteer should be suspended without agreement with HR.

### **Failure to reveal relevant information**

Failure to reveal criminal and/or disclosure information could lead to action under PCP's disciplinary procedures for employees, removal of a volunteer opportunity or termination of a contractor agreement.

All information of this nature **must** remain confidential between relevant parties.

If an employee becomes aware of criminal and/or disclosure information about any employee or volunteer, they must disclose it to HR and the relevant Senior Manager. It must not be disclosed to any other persons.

### **New and secondary roles**

Where an existing employee, volunteer or self-employed contractor changes roles within PCP and/or commences an additional role, the Appointing Manager or Volunteer Supporter will assess if a DBS check is required before commencement of a new post.

### **PCP right to request re-imburement**

PCP reserves the right to request reimbursement of a DBS related expense from an applicant, employee, agency worker, volunteer, casual worker and trustee who leaves a role within 6 months of the expense being paid out.

This does not apply to non-voluntary leavers such as fixed term contract ending, redundancy or dismissal.

### **DBS checks for agency workers**

PCP will only use approved Agencies to supply temporary staff, being confident that they can comply with PCP's requirement to ensure satisfactory DBS checks are obtained. This will include the checking of the DBS lists (where the agency worker will have contact with vulnerable adults or children) before Agency workers commence working within the PCP. The providing Agency will be responsible for undertaking DBS checks and must notify PCP immediately if they become aware of any criminal proceedings or the agency worker is barred from working with vulnerable adults or children

If PCP discovers an agency worker has a criminal record that was not previously disclosed or the individual is currently being investigated for a criminal offence or placement on one of the barred lists, the engagement with the worker will be terminated immediately, and the Agency should be notified. The worker will not be allowed to work for PCP again until PCP has been satisfied that the offence does not have an impact on their work.

Failure to reveal information that is directly relevant to their position could lead to removal of Trustee role. If a disclosure is raised, the CEO must complete an **Appendix 2 Risk Assessment for Offending Disclosures** to assess the impact of the caution, charge or conviction on the ability to continue in their role.

## **Regulator Disclosures**

Reporting any Trustee disclosures to the Charity Commission or any other applicable Regulator must be recorded along with records of how the decision was reached.

## **Training And Other Resource Implications**

The Recruitment & Selection training for Appointing Managers in PCP will make reference to this policy. The training will go through the process for obtaining DBS checks and give managers the opportunity to discuss any issues and seek further clarification.

All employees will be required to confirm they have read and understood this policy via Sage HR.

## **Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure information**

PCP 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 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.

### **Storage and Access**

We do not keep copies of certificates. However, there may be exceptional cases when there is a requirement due to a disclosure assessment. Certificate information is kept securely, in the HR Document Hub folder, 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. 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.

### **Retention**

If we do need to keep certificates for recruitment and checking purposes, 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.



Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means. 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. 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 take.

### Related Policies and Procedures

- Recruitment
- Risk Assessment
- Safeguarding
- Confidentiality

### Communication

PCP will ensure that:

- All employees are aware of the procedure;
- The procedure is available on PCP’s intranet;
- Generic training will include examples or reference to this procedure;
- Employees are informed when a particular activity aligns with this procedure;
- Employees are empowered to actively contribute and provide feedback; and
- Employees are notified of all changes to this procedure in a timely manner.

### Monitoring and Review

This procedure will be reviewed by the HR on a regular basis to ensure that it remains compliant. A full formal review will also take place every 2 years by Senior Management Team as part of the Review Cycle.

**February 2025**

### Document Tracking

Action	Date(s)
Draft to SLT:	29 January 2025
Date Approved :	22 April 2025
Approved Procedure uploaded and circulated:	22 April 2025
Main Review Date:	March 2027
SLT Lead for Review	Operations Manager

**If this policies or procedure is not reviewed in line with the review date indicated then this version remains valid until such time it is updated and reviewed.**

## Appendix 1

[Standards eligibility guide 002 .pdf \(publishing.service.gov.uk\)](#)

Regulated activity for adults:

[Working with adults in the charity sector and overseas aid organisations - GOV.UK](#)

Regulated activity guidance for children:

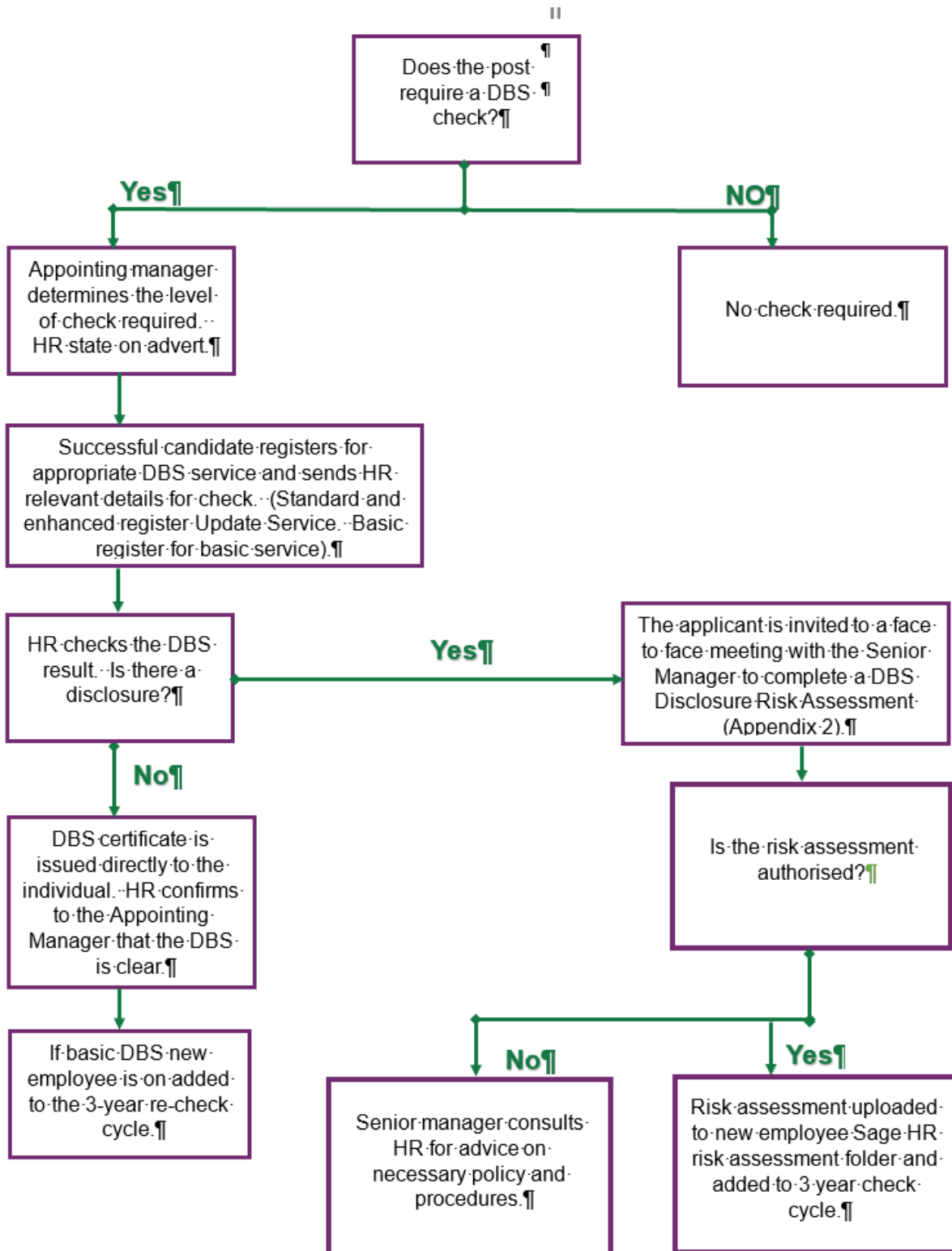
[Regulated activity with children in England and Wales - GOV.UK](#)

## Appendix 2. DBS Disclosure Risk Assessment



Risk%20assessment  
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### Appendix 3. Flowchart – Applicant



## Appendix 4. Flowchart – Existing Employee

