

# Policy – Disclosure and Barring Service (DBS)

# DBS Policy

## Version control

This document is subject to regular review due to legislative and policy changes. The latest versions of all our publications can be found on our website. Before contacting us about the content of this document, we recommend that you refer to the most recent version on the website and any relevant guidance.

<b>Version</b>	<b>Date approved</b>	<b>Approved by</b>	<b>Notes / changes</b>
1.0	25/02/14	Full council	New policy
1.1	22/05/14	Andrea Malam	Add clause 'Duty to refer'
2.0	25/04/18	Andrea Malam	Reformatting and Updated risk assessment forms requiring changes in policy text to reflect new titles
3.0	01/04/21	Felicity Chandler	Reformatted. Updated to outline; online process, new filtering system, updated legislation, transgender applicants process, safeguarding culture, relevant Gov.uk wording.

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# **DBS Policy**

## **Roles and Responsibilities**

### **Lead counter signatory**

- Acting for the principal point of contact for the DBS
- Ensuring that the council's practices and counter signatories comply with the requirements and guidance in line with the DBS Code of Practice

### **Counter signatory**

- Ensuring that the correct level of disclosure is requested.
- Ensuring that the appropriate checks have been carried out for periods of non-UK residence.
- Counter signing disclosure forms.
- Checking Disclosure certificates and updating Trent with the required information.
- Controlling the use, access and security of disclosure certificates.
- Satisfying themselves of the identity of the person applying for a disclosure.
- Satisfying themselves that the evidence presented is genuine and in line with DBS requirements.

### **Recruiting manager**

- Checking an applicant's Disclosure certificate, making a copy and sending this copy to Human Resources (where a paper form has been completed).
- Checking all private / external contractors DBS certificates before they commence on site.
- Arranging a suitable start date for the new employee in line with the return of the DBS check. In exceptional circumstances, where this is not possible, then a risk assessment must be completed by the line manager which requires the Head of Service / Head Teacher / Managing Director authorisation.

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- Checking the DBS website to monitor the progress of DBS certificates. If the DBS website states that the certificate has been printed then the manager must request to see a copy before they commence employment

## **Human Resources**

- Reviewing the policy and supporting documents in line with legislation and best practice.
- Advising and supporting managers in the application of this policy.
- Checking the ID provided by an disclosure applicant and processing the DBS form through to the Disclosure and Barring Service
- Sending renewal paperwork to relevant staff when DBS certificate expiry is due.
- Where appropriate, support line managers during formal meetings to address issues regarding DBS checks

## **Disclosure applicants**

- Providing the necessary evidence for identity checks in a timely manner and in person.
- Disclosing all of the necessary information to enable a DBS disclosure application to be made in a timely manner.
- Disclosure of all information that could be relevant to the DBS throughout the duration of their employment/work for the council.

## **First Advantage Online Disclosures**

- To act as the Lead Counter Signatory for online DBS applications
- To maintain the online system and inform Denbighshire County Council of any changes prior to implementation

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## Policy statement

The council is committed to safeguarding the welfare of those who access our services. The council has a statutory duty of care towards vulnerable groups under the Safeguarding Vulnerable Groups Act (2006) and the Exceptions order to the rehabilitation of Offenders Act (1975). This duty must be carried out with regard to relevant legislation, to include: Protection of Freedoms Act (2012), Rehabilitation of Offenders Act (1974), Data protection Act (1998), DBS Code of Practice and Human Rights Act (1998).

The council is fully committed to recruitment on the basis of an objective and systematic assessment of candidates against job related factors. Through the use of fair employment practices and the adoption of this policy, the council is keen to ensure that the information relating to criminal records is dealt with in context and with discretion.

This policy will apply to those seeking paid or voluntary opportunities within the council. In addition, fostering and adoption arrangements, seasonal work, volunteers, work experience, internships, graduates, summer placements, graduates, elected members school governors, contractors, agency workers will also come under the provision of the policy. The policy applies to full time, part time, supply/casual, fixed term and temporary staff, regardless of the hours worked.

Within Denbighshire Schools, the Governors and Headteachers are responsible for appointments and maintenance of the DBS process within that school. Please substitute the Governing Body for any reference to the council where the vacancy or position is a schools appointment. Throughout this policy specific provisions to schools are clearly indicated.

Advice and support will be available from Human Resources.

The policy and procedures apply to all employees of Denbighshire County Council. This policy also applies to staff employed by external bodies (e.g. organisations that we give funding to or procure from) contracted by the council and sets out the procedure for checking elected members, agency workers, external contractors, volunteers and school governors.

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## Legal Parameters

Access to the DBS checking service is only available to registered employers who are entitled by law to ask an individual to reveal their full criminal history, including spent convictions - this excludes protected cautions and convictions that will be filtered from a criminal record check - also known as asking 'an exempted question'.

Legally therefore, we are only allowed to ask this 'exempted question' i.e. what is your criminal record, for roles that meet the criteria.

An exempted question applies when the individual will be working in specific occupations, for certain licenses and specified positions. These are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and is described further in the Who is Eligible section of this policy.

The council complies fully with the DBS Code of Practice and will not discriminate unfairly against any subject of a disclosure certificate following information received.

The DBS have easy to use guidance leaflets which answer a range of DBS topics and questions aimed at both individuals and employers. Please follow this link to access these in either English or Welsh - <https://www.gov.uk/government/publications/dbs-guidance-leaflets>

## Types of DBS Disclosure and Barred Checklists

There are 4 types of DBS checks that can be made:

- a **basic check**, which shows unspent convictions and conditional cautions.
- a **standard check**, which shows spent and unspent convictions, cautions, reprimands and final warnings.
- an **enhanced check**, which shows the same as a standard check plus any information held by local police that's considered relevant to the role.
- an **enhanced check with barred lists**, which shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role .



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It is a manager's responsibility to determine what level of check is required for each job role. There is no eligibility requirement for a basic DBS check, however in the interest of supporting the Rehabilitation of Offenders Act, the council does not conduct basic DBS checks.

If you are considering asking a person to apply for a standard or enhanced DBS check, as the manager, you are legally responsible for making sure the job role is eligible.

Please note that certain records will be filtered from the DBS and will therefore not be shown on the DBS certificate. We should therefore not expect employees or applicants to disclose this information to us either.

There are 3 types of workforce that the DBS will be relevant for – Adult, Child, and Other. Child and Adult can also be combined to make a 'Child and Adult Workforce' type. All standard and enhanced DBS applications need to have a workforce type selected in order to be processed. This workforce type must also be applicable to the eligibility of each DBS check application. This is to ensure that the right information is disclosed on the certificate and that the right Barred lists are checked where applicable. Checks must be relevant to the job role being carried out.

A standard DBS check costs £23, an enhanced DBS check costs £40, and a volunteer DBS check is free.

### **Barred Lists / Regulated Activity**

The Barred list is when someone is not allowed to work within a role defined as Regulated Activity, they are barred from this type of work. Where a job role meets the definition of Regulated Activity, the Enhanced DBS with Barred Lists check will be carried out. It is an offence for individuals who are on the Barred list to apply for posts in Regulated Activity and so the correct level of DBS check must be undertaken.

There are a number of roles that are considered as Regulated Activity, and managers should check which roles all under this remit. Please see the attached guides from the DBS which outlines which roles fall under Regulated Activity, or you can use their online service to check if a role is eligible for a DBS check, and what type –

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<https://www.gov.uk/find-out-dbs-check>. This service will outline what type of check the post is eligible for, as well as whether this role falls under Regulated Activity.

## Who is Eligible?

The minimum age that someone can have a DBS Check is 16 years old.

To be eligible for a **standard** level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

To be eligible for an **enhanced** level DBS check, the position must be included in both the ROA Exceptions Order **and** in Police Act Regulations.

To be eligible for an **enhanced check with barred lists** level DBS check, the position must meet the definition of Regulated Activity.

Please see the [attached guides](#) from the DBS which outlines which roles are eligible for a which level of check, or you can use their online service to check if a role is eligible for a DBS check, and what type – <https://www.gov.uk/find-out-dbs-check>.

All roles where employees have access to children and/or vulnerable adults will be subject to an enhanced DBS check in line with the eligibility criteria outlined by DBS.

There may be occasions where due to legislation changes, occupational groups may become subject to regulation for the first time and employees will be expected to comply. Failure to comply may result in disciplinary action being taken.

## The DBS Check Process

DBS checks are predominately conducted via an online service we have procured (by First Advantage Online Disclosures), which means checks are completed much quicker and enables new staff to start their new roles sooner.

HR will start the process by completing some basic information on the online system. This includes the level of the check. Individuals will then be sent an email from the company First Advantage Online Disclosures with a link to fill out the DBS application form. This will

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include asking for personal details such as all previous names, 5 years of previous addresses, date of birth.

Applicants will be asked to select 3 forms of identification they wish to present as part of this application. ID is needed to verify the details of the person applying for a DBS check, to be sure that the right person is being checked.

Once the form is complete, HR will need to see the 3 forms of ID selected to verify their authenticity, therefore the ID documents be the originals and not copies or pictures. The check cannot be processed without HR seeing and verifying these ID documents.

HR will then update the online form, and it will be sent to DBS for the check to be undertaken. Once the check is complete, the individual will receive a certificate in the post. HR will receive a notice if the certificate is clear and the individual does not need to show us their certificate in this instance. However, if a disclosure or offence is listed on the certificate, HR will be notified that there is something on the certificate but will not be informed what this is. Therefore, where an offence or disclosure is listed on the certificate, the individual must show this certificate to HR as soon as possible for a copy to be made.

In some circumstances an employee may require a paper form. Where this is the case, the form will be posted to the employee for completion. This form should then be brought into the nearest office, along with their 3 forms of ID for verification. Please note that the paper process does take significantly longer than the online process, and managers should allow up to 8 weeks to for staff to receive their DBS certificate. As HR will not be notified online, this certificate will need to be brought into the office for verification, even where there are no offences or disclosures on it.

As the online DBS process is a UK Government system, this is currently not available in Welsh language. Applicants wishing to complete a Welsh language DBS application should contact HR for a paper form to be completed, as these are available in Welsh.

### **Stages of the DBS Checking Process**

Using the online method, both the employee and HR can track an application form to see what stage it is up to with the DBS checking process.

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## **Stage 1 - application form received and validated**

The application form is checked for errors or omissions. The form is either scanned onto the DBS system or returned for correction to the counter signatory within 24 hours of receipt.

## **Stage 2 - Police National Computer (PNC) searched**

Key data from the application form is compared against details from the Police National Computer (PNC) to search for any matches.

## **Stage 3 - Children and adults' barred lists searched (where applicable)**

Key data from the application form is compared against barred lists to search for any matches.

## **Stage 4 - Records held by the police searched**

Enhanced checks are sent by secure, electronic means to the police for an additional check of records before the information is sent back to the DBS. Your details may be same as, or similar to details held at any police force across the country. To make sure potential matches are not missed, those police forces will check the details against their information.

## **Stage 5 - DBS certificate printed**

All the information to be disclosed is printed under highly secure procedures and posted to the applicant. The applicant will then need to show their DBS certificate to the employer who requested the criminal record check.

Once the certificate has been sent to the employee, it is the responsibility of that employee. The council cannot replace lost or damaged certificates, the applicant will need to contact the DBS to ask for another certificate to be re-issued where this is the case.

## **What is Disclosed?**

The DBS applies a filtering system, which means that depending on the type of DBS, some warnings, reprimands, cautions, conditions will not be disclosed, as they are

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considered 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

On a Standard and Enhanced DBS check, the following will always be disclosed, no matter when they were received:

- All convictions for specified offences
- Adult cautions for specified offences
- All convictions that resulted in a custodial sentence

Other records that will be disclosed will depend on when the caution or conviction was received. The following will be disclosed:

- Any adult caution for a non-specified offence received within the last 6 years
- Any adult conviction for a non-specified offence received within the last 11 years
- Any youth conviction for a non-specified offence received within the last 5 and a half years

You do not have to disclose offences that fall outside of the above rules.

A 'specified offence' will always be disclosed on a Standard or Enhanced DBS certificate where it resulted in a conviction or an adult caution. You can find the full list of Specified Offences here <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Please note that Enhanced checks may include information relating to a protected caution or conviction if the police consider that it is relevant to the workforce that the individual intends to work in. Decisions to include information in this way are subject to statutory guidance.

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## **Recruitment and Appointments**

The council will not accept any DBS certificates from any previous employer, we will always conduct our own check to ensure the most up to date information (unless the individual has subscribed to the Update Service, in which case a copy of the original certificate must be shown in order for HR to conduct the check via the Update Service). Where an employee moves to a new internal role, a new DBS check will be carried out where the role is significantly different, or where the workforce type differs e.g. a Child Workforce DBS check moving to a role requiring an Adult Workforce DBS check.

Where a role requires a DBS check, this will be clearly outlined within the job description of the advert. Appointments to these roles are subject to a satisfactory DBS check, meaning an offer of employment may be withdrawn if the DBS check contains information that makes the candidate unsuitable. Therefore, new staff will not be able to start work until this check is completed.

The start date for individuals to commence their employment with the council should be set to accommodate the return and clearance of the DBS check.

A DBS check does not eliminate the need for sound recruitment practices, such as a thorough selection process appropriate to the level of the post, checking of identification, qualifications, taking up and verifying references and any gaps in employment.

Repeated failure to complete the DBS form or produce ID for verification may result in termination of employment/offer of employment withdrawn. The employee will be given 10 working days to complete the form and submit ID for verification.

## **Pre-employment Risk Assessment**

In very exceptional circumstances, when it is not possible to delay the appointment, or there is a delay in the return of the DBS check, the line manager may request approval from the relevant Head of Service / Headteacher / Managing Director to allow the person to start without the DBS check. A Pre-employment Risk Assessment must be completed in these circumstances that also details the safeguarding measures implemented to address this risk.

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Appropriate supervision arrangements and/or adjustments to the individual's duties must be in place until a satisfactory DBS check is received. In particular, members of staff must not be permitted sole charge of children or vulnerable adults until a satisfactory Enhanced DBS check is received. These measures should be outlined to the other staff as well as the individual, and regularly reviewed.

If an individual has undertaken a DBS check for their current role within the council and they move to another position within the council, the check will be acceptable as long as there is not a significant increase in the contact or responsibility for children and/or vulnerable adults and a risk assessment has been undertaken.

Please see Form - Pre-employment Risk Assessment.

## DBS Disclosure of Offence

Disclosures or offences on a DBS certificate will not automatically make someone unemployable. It will depend on the offence and the job role, and will therefore be for each individual manager to undertake a risk assessment with the individual.

Consideration will be given to the nature of the offence stated and its relevance to the post applied for. The recruiting manager together with the Lead DBS Signatory from Human Resources (if required) will be required to interview the person and complete the Form - DBS Cause for Concern Risk Assessment and assess the risk against set criteria. This form must be sent to the relevant Head of Service, Director, Managing Director or Chief Executive for their final approval.

For School employees, the Headteacher and Chair of Governors will be required to undertake an interview and complete the Form - DBS Cause for Concern Risk Assessment. They will decide after assessing the risks, whether the person is still appointable. The completed interview form must be sent to the Head of Education for final approval. Any final decisions in relation to Headteacher, Governors or Chair of Governors will be made by the Head of Service for Education.

It is 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. The council has a duty to notify the DBS if

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a candidate who is on the barred list makes an attempt to apply for barred work within the council.

### Existing Staff - DBS Disclosure of Offence

Existing employees who have never been previously checked or their post requires a re-check and subsequently have a disclosure or offence listed on their DBS check will be required to have an interview with their line manager and the Lead DBS Signatory. They will complete the Form - DBS Cause for Concern Risk Assessment and send to the relevant Head of Service, Director, Managing Director or Chief Executive for their final approval (for Schools the interview will be conducted by the Headteacher and Chair of Governors, with the Head of Education signing final approval).

Where an employee is in a role which requires a DBS check, they must advise their manager immediately of any change in circumstances in relation to investigations or criminal proceedings, as well as convictions, cautions, reprimands or warnings. They must not wait until the DBS renewal is undertaken. Failure to disclose this information will be considered as a disciplinary matter and subject to the Council's Disciplinary procedures.

It may be appropriate to move the employee in question to a department where they have no access to children and/or vulnerable adults, information, property, data or resources pending the outcome of a full investigation. If this cannot be accommodated then the employee may need to be suspended on full pay pending the outcome of the disciplinary investigation. When completing the Form - DBS Cause for Concern Risk Assessment it will be considered whether the conviction is relevant to the post. If the results of the Disclosure are considered of a serious nature, the options may include:

- Termination of the employment
- Redeployment – depending on the availability of a suitable vacancy
- The introduction of safeguards

A full appraisal of the situation, including the risks that may be involved and the availability of alternative employment options must be carried out before the decision to dismiss is



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considered. Any decision to dismiss must be carried out in accordance with the disciplinary policy.

If the disclosure results do not warrant any further action then the employee must be informed of this in writing.

## **Overseas Checks**

Overseas staff should be checked in the same way as for all other staff. The council will need to carry out the required police checks in line with that country's justice system and UK requirements.

New staff should not commence employment until the checks have been completed.

Candidates who have worked or been resident overseas for longer than three months within the previous five years, require a 'Statement of Good Conduct'. This is also known as a 'Certificate of Good Standing'. The original certificate must be seen by Human Resources before the successful candidate commences employment.

If the candidate does not have a 'Certificate of Good Standing,' the individual is responsible for the costs involved in obtaining it, together with any translation that is necessary and any cost incurred whilst doing so.

References will need to cover the periods of employment/educational periods abroad. Referees will be asked to provide any information on previous convictions and the appropriate foreign embassy will be contacted for any details on convictions in that country. Undertaking these relevant checks will extend the pre-employment checking process.

## **Transgender Applications**

The Disclosure and Barring Service (DBS) offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route, and is available for all levels of DBS check - basic, standard and enhanced.

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The sensitive applications route gives transgender applicants the choice not to have any gender or name information disclosed on their DBS certificate that could reveal their previous identity.

Applicants who are asked to complete a DBS check and have a previous identity that they do not wish to be disclosed to DCC and/or on their DBS certificate, should call or email the dedicated sensitive applications team before submitting their application. The team is experienced in dealing with sensitive cases and will advise them of the process and what they need to do.

To contact the sensitive applications team, please telephone 0151 676 1452 or email [sensitive@dbs.gov.uk](mailto:sensitive@dbs.gov.uk). Please note, that the telephone number also has an out-of-hours answering machine where individuals can leave their details, and a member of the team will call them back.

Those who are happy to have their previous identity disclosed on their certificate do not need to contact the sensitive applications team and can simply submit this information under the 'any other names' section of the application.

An applicant using the confidential checking service will still complete the same application form as any other applicant.

Applicants who have obtained a Gender Recognition Certificate, and who have offences / disclosures on their DBS certificate will not have their previous name / gender disclosed, the records will be updated to reflect the person's current name / gender regardless of when the offence was made.

Applicants who have not obtained a Gender Recognition Certificate should still contact the DBS sensitive team as, if the individual has no criminal information, the DBS can remove previous names / gender so that they do not appear on a certificate. If the DBS check is going to reveal information in a previous gender / name the DBS will initiate contact before it is issued.

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## **Rechecking**

For all posts that require a DBS check, the council requires each post holder to be re-checked every four years. However, in accordance with the Social Care Wales and Care Standards Inspectorate for Wales some roles may require a three yearly DBS check in order to meet their registration requirements. All School Governors will be checked on appointment and renewed every four years.

Where an individual's actions give cause for concern, the council has a right to undertake a new check earlier than the above timeframes.

## **Update Service**

The Update Service is a facility where an individual may choose to have their DBS certificate kept up-to-date and take it with them from role to role (within the same workforce) where the same type and level of check is required. Currently the service costs £13 per applicant per year (or free for volunteers) and this would be paid by the individual. The main purpose of the Update Service is to allow for quicker checking. If the individual has registered with the Update Service then, with their permission, HR can check online and see the employees current DBS certificate; subject to it matching all the conditions. The online status check will detail if any new information/or changes have happened since the DBS certificate was issued.

Where staff or applicants have signed up to the DBS Update Service and are happy for this check to be undertaken, please advise HR of this and allow HR to see your original certificate.

## **Data Protection**

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Denbighshire County Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure information. The council also complies fully with its obligations under the GDPR and Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

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Individuals submitting their information for a DBS check should ensure they have read and understood the DBS Privacy Policy prior to submitting their form.

As part of the DBS check process, applicants will need to complete a permission form that allows the council to make this check and see the results.

## DBS Checks for Non-Employees

### Volunteers

Checks on volunteers are free providing they meet the criteria of a volunteer:

“a volunteer is person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.”

This definition of a volunteer excludes anyone who may receive, or expect to receive, a benefit, such as remuneration or a credit towards a qualification. For example, students on training placement, and foster parents/carers are not therefore volunteers and must pay for their checks.

The same rules will apply with regards to what level of check will be carried out. Please refer to [Who is eligible?](#) and [Types of DBS Disclosure and Barred Checklists](#)

Examples of volunteer work could include an intern, work experience person, a classroom helper or someone who accompanies children on school trips, or someone who assists a vulnerable adult with leisure activities.

Under no circumstances must a volunteer who has not obtained a DBS disclosure because one is not required due to infrequent contact be left unsupervised with children and/or vulnerable adults.

### Agency workers

For the purposes of this policy this section refers to those staff employed through Matrix or temporary staff agencies including those contracted to provide care on behalf of Social Services. The agency is legally the employer of any agency worker and the responsibility

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to obtain the required DBS checks lies with them as the employer. The agency is also responsible for the costs of obtaining any required DBS checks.

To ensure the safety and protection of children and vulnerable adults, the council will only employ agency workers who have been subject to the same checks as those which would be undertaken for recruitment to the council.

Recruiting managers are to ensure that any agency workers that they use, have an appropriate DBS check before they consider using them for any form of work within the council.

A copy of the agency workers DBS certificate along with evidence of identity should be requested by the recruiting manager for verification. With the consent of the agency worker, the manager must keep a copy of the DBS certificate and a copy of their proof of identity with a record of the date received.

If the Recruitment/Temping agency wishes to recommend an individual with a criminal record to work with children or vulnerable groups, the issues must be discussed with the recruiting manager and the same criteria for decision making will apply as to those which would be undertaken for internal employment.

Agencies contracted by Social Services to provide care would normally be subject to the regulations of the Care Standards Act and be regulated and inspected by the Care Standards Inspectorate for Wales. As such they are required to have DBS checks on staff. Any agency providing a form of care that is not regulated will be required to provide evidence of Enhanced DBS checks on staff for the recruiting manager.

The level of disclosure for agency workers should be equivalent to the level of disclosure that would be applied to an internal post of the same nature.

### **Members (Councillors) of DCC**

The following Members will be required to complete a DBS check:

- A member of the Cabinet
- All members of Scrutiny committees

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- A member of the Fostering Panel
- A member of the Adoption Panel
- A member of the Local Children's Safeguarding Board

DBS checks are to be carried out on eligible Members following county council elections, and on the relevant members following by-elections and any change in the composition of the Cabinet, committees, panels etc.

Councillors who have not been DBS checked are not eligible to hold any of the above positions or take part in any of the designated activities. A Councillor will not be subject to any restrictions on his or her representative role on behalf of vulnerable groups.

We will require an enhanced DBS check for any new Member of the above committees during the first three months of their term in office.

It will be made clear when the initial notification of elections is posted, and in the information packs to individuals who are elected to serve on DCC will be subject to an enhanced DBS check.

Currently there are certain disqualifications for elections, of which the main ones are:

- having been sentenced to a term of imprisonment (whether suspended or not) of not less than 3 months, without the option of a fine during the five years preceding the elections, and
- being disqualified under any enactment relating to corrupt or illegal practices.

The Chief Executive and Monitoring Officer (Head of Legal, HR and Democratic Services) can intervene and influence Members involvement on all committees and the responsibilities that they discharge. If disclosure or other information reveals the need to adjust a Member's involvement or responsibilities, the Chief Executive and Monitoring Officer will be notified by Human Resources and agree the adjustments with the Member concerned.

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## **Schools Governors**

Current legislation does not require pre-appointment checks for newly appointed, re-appointed, newly elected or re-elected governors. However, in the interest of safeguarding, Denbighshire County Council requires all School Governors to undergo an enhanced DBS check during the first three months of their term in office. Only Governors who have been satisfactorily checked will carry out certain duties within areas used by children during school time hours. If a criminal record is disclosed on the DBS check, any final decisions as to whether a Governor / Chair of Governors can remain in that role will be made by the Head of Education.

## **Placements**

For teacher and social worker placements, the individual is required to show their line manager/Headteacher their original DBS certificate prior to them starting their placement (this may be a DBS check undertaken by the college or University prior to the placement). If the DBS certificate shows that the individual has an offence or disclosure, the normal interview procedure should be undertaken as detailed above and a decision made about their suitability for the placement. See [DBS Disclosure of Offence](#).

Placements must not commence until the original DBS certificate has been verified by the manager / Headteacher.

## **Private Contractors – Including ‘Occasional Contractors’**

It is ultimately the responsibility of the Headteacher or manager to ensure that all contractors and visitors to the site either have an appropriate DBS check or have undertaken an appropriate risk assessment to ensure that they can work on site.

The organisation providing the contractor is legally the employer of any contractors and it is their responsibility to obtain the relevant DBS check.

An external contractor will include organisations that the council give funding to, or procure from (e.g. Scala). Examples of such contracts include provision of transport to children and

## **DBS Policy**

vulnerable adults, catering, cleaning or trade instructors working with children and vulnerable adults.

The risk assessment of contracts with contractors who provide building works, maintenance, or engineering works must include consideration of the protection of children and vulnerable adults.

Where the contractor is to work in a school during term time, managers/Headteachers should try to arrange for the work to be carried out without regular contact with children. If this is not possible and the workers employed through the contract are likely to come into unsupervised contact with children, the contractor must provide the names and details of the employees and sub-contractors so that Barred List check can be conducted by Human Resources to exclude anyone barred from working with children.

In the case of such contracts in the homes of vulnerable adults where there will be no supervision of the contractor, the contract officer must undertake spot checks. Where there is to be regular contact with vulnerable adults, the contractor must provide names and details of workers and sub-contractors so that the Barred List check can be conducted by Human Resources to exclude anyone who is a potential risk to vulnerable adults.

### **Taxi Drivers**

All taxi and private hire vehicle drivers must receive an enhanced DBS check. Enabling licensing authorities can also check whether any applicant for a taxi license is barred from working with children or vulnerable adults.

### **Delivery of Goods to Council Establishments**

Schools and other establishments must ensure that all risks are effectively managed and will control how deliveries are made. This includes through the use of restricted areas, deliveries by arranged appointment only, time limited movements (e.g. not able to cross playground when children using it), sign in and out procedures and escorting through areas where delivery drivers may have direct access to children or vulnerable adults.



# DBS Policy

## Safeguarding Culture

Even the most careful selection process cannot identify all those who pose a risk to children and vulnerable adults. Therefore, managers and employees should always be alert to untoward behaviour. The emphasis should be on the creation of a culture which gives the people we work with the confidence and mechanisms to raise concern. Every employee has a duty to protect children and vulnerable adults within our care and therefore everyone has a responsibility to raise any concerns regarding behaviour, conduct or attitude that signifies a potential safeguarding concern.

If staff have any concerns about a colleague's behaviour, please either raise this with the Designated Safeguarding Officer for your Service, or contact:

- Gateway – 01824 712200 (9am-5pm weekdays)
- Single Point of Access (SPOA) – 0300 456 1000 (9am-5pm weekdays)
- Gateway and SPOA evenings and weekends - 0345 053 3116

The council has a legal duty to refer a person to the DBS, if they have been dismissed or removed from regulated activity (or may have been if they had not left) because they have harmed or posed a risk of harm to a child or vulnerable adult.