Disclosure and Barring Service (DBS) Policy Criminal Records Bureau (CRB)

1.0 INTRODUCTION

As an organisation South Lakeland District Council (SLDC) uses the Disclosure and Barring Service (DBS) Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for a number of roles, especially those involving children or vulnerable adults.

A DBS CRB check is only requested after an assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS CRB check is required, all recruitment adverts and job descriptions and person specifications will contain a statement that a DBS CRB check will be requested in the event of the individual being offered the position.

The Council is required to comply with the DBS CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information and complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the afore mentioned.

2.0 SCOPE OF THE POLICY

This policy covers the handling, use, storage, retention and disposal of a Disclosure and Disclosure information relating to individuals seeking employment with South Lakeland District Council.

This policy should also be considered along with Appendix A – Statement on the Recruitment of Ex-offenders.

3.0 TYPES OF DISCLOSURES

For certain positions within the Council, an individual must, if asked, apply for a DBS CRB check. There are two types of DBS CRB check, Standard and Enhanced.

The Human Resources (HR) Group will consider whether a Standard or Enhanced DBS CRB check is required, this will depend on the nature of the position being carried out by the individual. For more information see Appendix B, DBS CRB Checks: Eligible positions guidance.

3.1 Types of information revealed by Standard and Enhanced DBS CRB checks

Standard DBS CRB checks contain details of:

- spent convictions
- unspent convictions
- cautions
- reprimands
- final warnings

Enhanced DBS CRB checks include the above and also;

- information held locally by the Police
- information held by the Independent Safeguarding Authority (for positions working with vulnerable children and adults)

The information comes from the Police National Computer (PNC) and only reveals relevant information.

3.2 The difference between Standard and Enhanced DBS CRB checks

A Standard DBS CRB check is available for certain specified occupations, licences and entry into certain specified professions. This level of check should be used for positions where duties will involve regular contact with vulnerable people: including children and young people under the age of 18, the elderly, people with disabilities, people who have physical and mental health conditions and positions of foster parents or carers.

The Enhanced DBS CRB check is the highest level of criminal record check and is available for those working in Regulated Activity with children or vulnerable adults. This level of check should be used for positions, which involve a greater degree of contact with children or vulnerable adults. This will involve those regularly caring for, training, supervising, or being in sole charge of children, young people and vulnerable adults.

The Enhanced DBS CRB check includes a check of approved information from police records held locally. Approved information 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 CRB will print this information on both the applicant’s and the Counter Signatory’s copy.

Occasionally, the Chief Police Officer may decide it is necessary in the interests of the prevention or detection of crime to release additional information to the Counter Signatory only. This additional information is provided in the form of a separate letter and should not be revealed to the applicant without consent.

Fees

A fee is payable for each check disclosure and will be invoiced to the HR Group with the cost being recharged to the relevant Department thereafter.

4.0 USAGE

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

If a Disclosure reveals information about a criminal record, action will be taken as per the flowchart in Appendix C, Recruitment Subject to Disclosure Process.

It should be noted that the applicant would not be allowed to start work until the Disclosure has been received and the procedure detailed in Appendix C has been completed. Where there is a decision by the Chief Executive to allow an applicant to work, pending Disclosure clearance, it is the responsibility of the appointing manager to ensure that appropriate safeguards are in place (for example restricting access and ensuring the employee is not alone with children/vulnerable adults at any time).

It should be noted that the Disclosures are intended to assist with the decision making process for the suitability of a person for a post and should not be the sole basis of a recruitment decision. A member of the HR Group will provide the employing manager with advice that will enable a fair
and reasonable decision to be made. Written reasons of any decision will be made available to
the applicant if requested. If any offer of employment is withdrawn, the applicant will have the
right of appeal against this decision by writing to the appropriate Director within ten working days
of being issued with the decision.

An employee can challenge or dispute a DBS CRB check if it contains an error, an inaccuracy or
irrelevant information. Challenges and disputes should be made immediately by calling the DBS
CRB and should be raised within three months of the date of issue of the DBS CRB certificate.

SLDC will only seek a DBS CRB check for a current employee should they be offered a new post
which requires Disclosure clearance. The new appointment would only be made on a conditional
basis: i.e. subject to satisfactory clearance by DBS CRB.

There is no official period of validity for a DBS CRB check as the information on a disclosure
reflects what information was available at the time it was issued. Checks should be renewed for
employees remaining in the same posts every two years.

5.0 STORAGE AND ACCESS

Disclosure information will not be kept on an individual’s personnel file. Any Disclosure
information will be kept in a lockable, non-portable, filing cabinet within the HR Group. The
Human Resource Services Manager strictly controls access and this is limited to authorised
individuals entitled to see such information in the course of their duties.

6.0 RETENTION

Once an application is complete and the certificate received, the Disclosure information is not
kept for any longer than is absolutely necessary. This is normally for a period of 6 months to
allow for the consideration and resolution of any appeal or complaint. Full consideration to the
Data Protection and the Human Rights of the individual subject will be taken into consideration
when determining the retention period. Throughout this time, the usual conditions regarding safe
storage and strictly controlled access will prevail.

7.0 HANDLING

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to
those who are authorised to receive it in the course of their duties. Authorised individuals would
be a Countersignatory Counter Signatory from the HR Group, the employing manager and the
individual concerned. A record of all those to whom Disclosures or Disclosure information has
been revealed, will be maintained and the Council acknowledges that it is a criminal offence to
pass this information to anyone who is not entitled to receive it.

8.0 DISPOSAL

Once the retention period has elapsed, any Disclosure information is destroyed by an authorised
member of the HR Group, by shredding. Photocopies or any other copy or representation of the
contents of a disclosure will not be kept. However, notwithstanding the above, a record of all
Disclosure checks will be maintained by the HR Group and will detail the following information:

- Name
- Post applied for
- Type of disclosure requested
- Date Disclosure returned
- DBS CRB Disclosure reference number
- Recruitment decision taken
9.0 CHECKS FOR ASSOCIATED ORGANISATIONS

The Council also processes disclosure information for the following organisations only:
  • South Lakes Housing

The cost of the DBS CRB check is recharged to the organisation along with an administration fee. The provision of this service will be periodically reviewed.

10.0 FURTHER INFORMATION

SLDC is required to comply with the DBS CRB’s Code of Practice. The Code of Practice is intended to ensure that the information released will be used fairly and make certain that sensitive personal information is handled and stored appropriately and is only kept as long as necessary. The Code of practice is available from the website [www.homeoffice.gov.uk/agencies-public-bodies/crb/partners-reg-bodies/code-of-practice/](http://www.homeoffice.gov.uk/agencies-public-bodies/crb/partners-reg-bodies/code-of-practice/)

Information and guidance on raising a DBS CRB check dispute can be found on the Home Office website [www.homeoffice.gov.uk/agencies-public-bodies/crb/](http://www.homeoffice.gov.uk/agencies-public-bodies/crb/)

11.0 REVIEW

The Policy will be reviewed on a regular basis in the light of operating experience and/or changes in legislation.

APPENDICES TO THIS POLICY

- Appendix A  Recruitment of Ex Offenders
- Appendix B  DBS CRB Checks: Eligible positions guidance
- Appendix C  Recruitment Subject to Disclosure Process