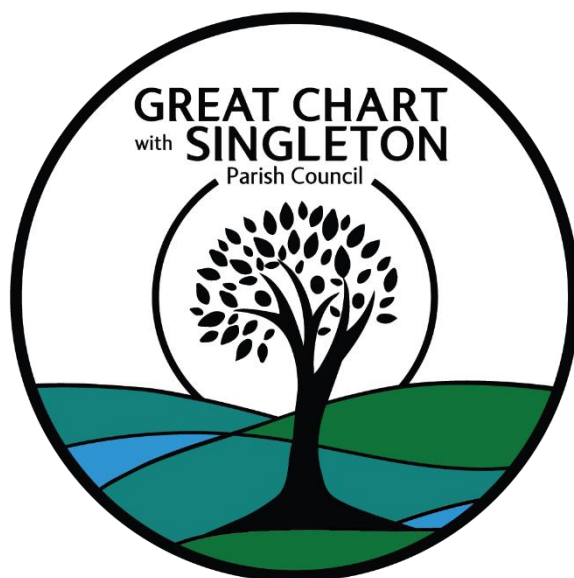


Disclosure and Barring Services (DBS) policy



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Purpose

Great Chart with Singleton Parish Council (GCwSPC) aims to provide the highest standards of care. Each employee has a role to play in achieving and sustaining the highest standards.

Scope

The DBS Policy will apply to the recruitment and selection of all prospective employees, workers, existing GCwSPC staff and councillors.

The policy provides clear guidelines on the management actions in response to the non-disclosure of criminal convictions for both prospective, existing employees and those covered in this policy.

The policy will ensure confidentiality of information disclosed by candidates on a disclosure form at all times in line with GDPR. The information will be restricted to those who need to see it as part of the recruitment and selection process and those authorised to do so.

For the purposes of this policy, any reference to the term 'criminal conviction' is generic and applies to cautions, reprimands, fixed penalty notices, bindings over or warnings in the UK or any other country and also includes any of the above if they are 'pending' and have not been disposed of at the time of disclosure. This does not include minor traffic offences which do not result in disqualification.

Risks addressed

- To ensure that all staff who come into contact with residents of the parish are safe and do not pose a risk.

Key References

https://www.gov.uk/government/organisations/disclosure-and-barring-service
Rehabilitation of offenders Act 1974
Rehabilitation of offender Act (Exceptions) order 1975

Document Tracking Sheet

Version	Status	Date	Issued to/Approved by	Comments/Summary of Changes
1.0	Approved	2022	Great Chart and Singleton Parish Council	

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1.0 INTRODUCTION

- 1.1 Policy outlines the GCwSPC legal requirements regarding criminal record checks on all staff who come into contact with residents regularly in their day to day role.
- 1.2 Any new members of staff will be checked at the point of joining GCwSPC. Councillors will be checked at the time of becoming a public office holder either by election or co-option.

2.0 Interview Panels

- 2.1 Interview Panels should:
 - Ensure that candidates are not unfairly discriminated against during the recruitment and selection process on the basis of criminal convictions held. Refer to the Recruitment guidance (appendix B) for guidance on the recruitment of ex - offenders.
 - Ensure that confidentiality is maintained regarding any convictions disclosed by candidates at any stage of the recruitment process.
 - 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.
 - Establishing the DBS status of workers engaged through external contractors, including agencies, and be assured that the appropriate level of check has been undertaken

3.0 Applicants

- 3.1 Applicants are responsible for:
 - Disclosing all necessary information to enable a DBS Disclosure application to be made in a timely manner.
 - Disclosing all information that could be relevant to the DBS check throughout the duration of their work for GCwSPC.

4.0 All Employees

- 4.1 All employees must:
 - Inform the GCwSPC, in writing, of any criminal convictions, cautions, fixed penalty notices, etc. they acquire during their employment with the GCwSPC.
 - Attend meetings to discuss non-disclosure of criminal convictions, cautions, fixed penalty notices, etc. when requested to do so.
 - Inform (as appropriate) their regulatory body (union) if they acquire any criminal convictions, cautions, fixed penalty notices, etc.

5.0 DBS CHECKS FOR PROSPECTIVE EMPLOYEES

- 5.1 The Rehabilitation of Offenders Act 1974 provides for anyone who has been convicted of a criminal offence and has been sentenced to less than two and a half years in prison, to be regarded as rehabilitated after a specified period of time with no further convictions. After this period of rehabilitation, the conviction is considered as "spent". In normal circumstances, once a conviction is spent, the convicted person does not have to reveal this to future employers when applying for a job.

Exceptions order, employers are entitled to know about all previous convictions regardless as to whether they are considered “spent” or “unspent”.

- 5.2 **Great Chart with Singleton Parish Council complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly and not to discriminate unfairly against anyone on the basis of conviction or other information revealed. Having a criminal record will not necessarily prevent an individual from being employed. This will depend on the nature of the role, professional suitability and the circumstances, nature and background of the offences.**
- 5.3 By law, employers cannot request a standard or enhanced disclosure on any position that is not identified as exempt from the Act.
- 5.4 All external applicants who are applying for a post that requires a DBS Disclosure, and have not had a check in the past 3 years, will not be permitted to commence employment with the GCwSPC until a satisfactory DBS Disclosure has been received by the GCwSPC.
- 5.5 Posts that are working with children and/or vulnerable adults require an additional check of the Independent Safeguarding Authority (ISA) register (replacing the old Protection of Children Act (POCA) check).
- 5.6 Disclosures carry no period of validity as they are designed for immediate use after issue. They are designed to be used at the point of recruitment for a particular post only.

6.0 LEVELS OF DISCLOSURE

6.1 Enhanced

- Posts which qualify for enhanced disclosures are defined as:

*An activity involving working or volunteering with **children** that is of a **specified nature**:*

- Unsupervised activities: teaching, training, instruction, caring for or supervising of children, or providing advice/guidance on wellbeing, or driving a vehicle only for children.*
- Work for a limited range of establishments (‘specified places’) with the opportunity for contact with children, for example schools, children’s homes, childcare premises. Not work by supervised volunteers.*

7.0 NON-DISCLOSURE OF CRIMINAL CONVICTIONS

- 7.1 The GCSPC expects honesty and integrity from all its employees and potential employees. Consequently, those employees or potential employees who fail to disclose convictions may be considered by the GCSPC to have compromised this element of the employment relationship.
- 7.2 Where a disclosure indicates any criminal convictions which have not previously been declared by the candidate, the offer of employment may be withdrawn.

7.3 Existing employees

Existing employees are required to advise the GCwSPC in writing, via their line manager, of any criminal convictions, cautions, warnings or bindings ever received during employment with the GCwSPC. The GCwSPC will determine any action necessary according to individual circumstances. Where concerns arise regarding the possible non-reporting of a conviction obtained whilst employed by the GCwSPC, the GCwSPC will reserve the right to require the employee to undergo a DBS check. If the DBS disclosure reveals that the employee has undeclared criminal convictions, this will be dealt with under the GCwSPC Disciplinary Policy and might constitute gross misconduct. Similarly, if an undeclared conviction comes to light during recruitment to a post internally, this will be dealt with under the GCSPC Disciplinary Policy.

8.0 ONGOING UPDATES OF DBSs FOR EXISTING STAFF

- 8.1 Staff in posts where there is a requirement for the member of staff to have a DBS check, this should be carried out by GCwSPC every 3 years. It is the responsibility of the organisation to ensure that these checks are facilitated, however, it is the responsibility of the individual staff member to comply with any request in accordance with their contract of employment.

9.0 GLOSSARY AND ABBREVIATIONS

Abbreviation	Meaning
GCSPC	Great Chart and Singleton Parish Council
DBS	Disclosure Barring Service
ISA	Independent Safeguarding Authority
Disclosure	Certificate issued to member of staff
POCA	Protection of Children Act
POVA	Protection of Vulnerable Adults

Suggestion to add the following:

APPENDIX 1**REHABILITATION OF OFFENDERS ACT 1974
Guidance Notes**

With certain exceptions, a person who has become rehabilitated shall be treated as though they did not commit or were not charged or prosecuted for, or convicted or sentenced for the offence. The offence will be a 'spent' conviction. However, whether a conviction has become spent and the individual is rehabilitated depends upon:

- The sentence imposed for the conviction
- Whether other offences have subsequently been committed
- The length of time elapsed since the conviction

The length of the sentence imposed affects the rehabilitation period and some convictions can never become rehabilitated. Sentences excluded for rehabilitation include:

- Life imprisonment
- Imprisonment of 30 months plus
- Detention at her majesty's pleasure

Those offences which can be spent and therefore the individual can be rehabilitated are as follows:

- | | |
|--|------------|
| • Imprisonment, corrective training or sentences of detention in Young Offenders Institutions for 6 months plus, but less than 30 months | 10 years * |
| • Imprisonment or sentence of detention in a Young Offenders Institution of less than 6 months | 7 years * |
| • A fine or other sentence not expressly covered by the Rehabilitation of Offenders Act | 5 years * |
| • An order or detention in a Detention Centre | 3 years * |
| • Conditional Discharge | 1 year |
| • Absolute discharge | 6 months |
| • Probation | 5 years * |

** If the individual was aged 17 or under on conviction, the rehabilitation period is halved.*

Suspended sentences should be treated as though they were actually put into effect.

REHABILITATION OF OFFENDERS ACT 1974 (EXCEPTIONS) ORDER 1975

This overrules the employment rights an ex-offender would otherwise have in respect of spent convictions and applies to certain exempted occupations including those that bring the jobholder into contact with vulnerable groups in the course of his or her normal duties. In these cases, ex-offenders will have to disclose information about spent as well as unspent convictions.

The exempted occupations include:

Doctors	Barristers	Chartered/Certified Accountants
Solicitors	Vets	Dentists/Dental Hygienists/Auxiliaries
Nurses/Midwives	Opticians	Pharmaceutical Chemists
Osteopaths	Chiropractors	Operators of the National Lottery
Probation Officers	Social Services Staff	Chartered Psychologists
Legal Executives	Actuaries	Registered Foreign Lawyers

Employment Services that are concerned with the provision of services to individuals under the age of 18, e.g. schools, training, etc.