

Disclosure and Barring Service (DBS) Policy

1. Definitions

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS service is responsible for:

- processing requests for criminal records checks
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

This Policy outlines how Sue Lambert Trust will use the Disclosure and Barring Service to minimise risks to its clients and how it sits within our wider safeguarding process.

DBS offers 3 levels of checks; Standard Check, Enhanced Check and Enhanced Check with Children and/or Adult Barred list check.

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

Enhanced Check: To be eligible for an enhanced level DBS certificate, the position **must** be included in both the ROA Exceptions Order **and** in the Police Act 1997 (Criminal Records) regulations.

The Enhanced and Barred List Check: To be eligible for the Enhanced Check the position must meet the above criteria and must be operating in Regulated Activity. The Enhanced and Barred Lists Check takes information from the Police National Computer, Local Police information and the DBS Adult/Child Barred List(s)

Regulated Activity

Regulated Activity is work a person who appears on the Disclosure and Barring Service (DBS) barred lists is prohibited from doing. This includes work that involves close and unsupervised contact with vulnerable groups, including children. There are two types of Regulated Activity; Regulated Activity relating to Children and Regulated Activity relating to Adults. If a position falls within either of these categories an organisation may request an Enhanced Check against the respective DBS barred list.

Regulated Activity relating to roles within the Sue Lambert Trust can be seen as providing unsupervised advice or guidance on wellbeing for children **or** if they are a regulated health care professional or are acting under the direction or supervision of one (eg. Counsellors, Doctors, nurses, physiotherapists) with vulnerable adults.

2. Key aims

Sue Lambert Trust (SLT) has the following key aims in this area:

- To make full use of the DBS service to provide as safe a service as possible to its clients
- To be fair and consistent to all staff and workers in applying the Policy
- To use best practice in deciding whether an applicant should or should not begin work at Sue Lambert Trust
- To maintain confidentiality and be sensitive to applicants' needs when making a decision regarding a DBS check

3. Key principles

- SLT will make full use of the service requiring all staff and volunteers engaging in regulated activity to supply an enhanced DBS with barred lists checks before starting work with clients (see implementation below)
- SLT will be fair and consistent in applying the Policy
- Applicants will not be automatically excluded from working at SLT on the basis of any information received as a result of the DBS check. Each case will be considered on a case by case basis

4. Implementation

- All recruitment adverts will advise that all applicants will be required to supply a DBS check for roles operating in regulated activity – note DBS checks completed for other organisations will not be accepted unless they are a member of the DBS update service.
- **Staff and volunteers will not be able to have access to client information nor to work directly with clients unless a DBS check has been completed and verified, and a decision made by the responsible person (see below) although staff/volunteers may undertake training/shadowing providing there is no access to clients' personal data or direct contact with any client**
- SLT applies for DBS checks using the online application process – assistance will be provided to all applicants to complete the online application process
- The Sue Lambert Trust will pay the costs of applying for DBS checks for both staff and volunteers
- Responsibility for ensuring that all DBS checks are completed as per this Policy will be as follows:
 - Volunteer counsellors - the Clinical Lead or Deputy Clinical Lead
 - Volunteer support workers – Support Service Co-ordinator
 - Staff and Administrative Volunteers – General Manager
 - **Trustees – General Manager**
- Should there be any issues recorded the responsible Manager concerned will discuss the matter in confidence with the applicant to get clarification of the position. Cases will then be considered on a case by case basis and on a need to know basis. The matter may be referred to the CEO for decision in rare circumstances. See below (section 5) for details of factors which will be

taken into account. All staff who are expected to consider issues that are highlighted will be provided with appropriate training to help make the decision.

- Original DBS certificates are to be shown to the relevant member of staff and the 'DBS recording form' completed to confirm that the original has been seen.
- Copies are **not** to be taken unless there is a query and the matter has been referred to the CEO for decision (see section 6 below). The copy will then be immediately destroyed once a decision has been made. In the event of an applicant not starting work at SLT any copies of certificates held will be destroyed immediately.
- New checks are to be completed once every two years

5. Factors to be considered when issues are recorded on DBS certificate

When deciding whether to accept an application when there are issues recorded on the DBS form the following will be considered:

- The nature of any offence – was it an offence against a person? Did it involve a vulnerable person? Was there a breach of trust? If so then the application is unlikely to succeed
- When did the offence happen? Is there a history of repeated offending?
- Are there any extenuating circumstances that applied at the time of the offending? Eg. was the applicant very young or experiencing particular issues at the time?
- Did the applicant disclose the issues prior to the application?

Note that client safety always takes priority and if there is a reasonable concern that there are risks to clients then SLT will decline an application.

If safeguarding concerns arise at this stage then the matter will be referred to the relevant agency.

6. Storage of data

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.

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 taken.

7. Referrals to the DBS

The Sue Lambert Trust will report staff or volunteers to the Disclosure and Barring Service (DBS) who are dismissed or removed from Regulated Activity (or would have been if the person had not already left) because they harmed or posed a risk to an individual. This 'duty to refer' overrides any obligation to withhold information on the grounds of confidentiality.

8. Monitoring and Review

This Policy will be reviewed annually to ensure that it complies with legislation and best practice. It will be approved by the trustees who will be given details of the annual review prior to approval.

6. Related guidance, policy and procedures:

- Data Protection procedures and guidelines
- Information Sharing procedures and guidelines
- Safeguarding Policy