

Extratime

# DBS Screening Policy

**CONTENTS PAGE**

<b>1.</b>	<b>PURPOSE</b> .....	<b>3</b>
<b>2.</b>	<b>SCOPE</b> .....	<b>3</b>
<b>3.</b>	<b>POLICY STATEMENT</b> .....	<b>3</b>
<b>4.</b>	<b>DEFINITIONS</b> .....	<b>4</b>
<b>5.</b>	<b>DISCLOSURE AND BARRING DISCLOSURES</b> .....	<b>5</b>
<b>5.1</b>	<b>Application for Employment</b> .....	<b>5</b>
<b>5.2</b>	<b>Commencing Employment</b> .....	<b>5</b>
<b>6.</b>	<b>RECRUITMENT OF EX OFFENDERS</b> .....	<b>6</b>
<b>7.</b>	<b>STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION</b> .....	<b>7</b>
<b>7.1</b>	<b>Storage and Access</b> .....	<b>7</b>
<b>7.2</b>	<b>Handling</b> .....	<b>7</b>
<b>7.3</b>	<b>Usage</b> .....	<b>8</b>
<b>7.4</b>	<b>Retention</b> .....	<b>8</b>
<b>7.5</b>	<b>Disposal</b> .....	<b>8</b>
<b>8.</b>	<b>RESPONSIBILITY</b> .....	<b>8</b>

## **1. PURPOSE**

To provide details of the Disclosure and Barring Service (DBS) screening process within Extratime for positions involving regular contact with children and young people or a vulnerable client group. It also contains a policy statement on the recruitment of ex offenders and the correct handling and safekeeping of disclosure information. This policy should be read in conjunction the Safer Recruitment and Selection Policy and the Recruitment of Ex Offenders Policy.

This policy is for guidance only and does not form part of the contract of employment. Employees should familiarise themselves with the provisions of this policy. The charity may deviate from or make amendments to this set policy from time to time and at its sole discretion where the result in treatment to the employee is no less fair or where it is appropriate in the circumstances of the case. This policy may also be discontinued if it becomes impracticable for either party to continue with it.

## **2. SCOPE**

All applicants for relevant established, voluntary or temporary employment, as detailed in this policy, and all existing employees who are being transferred to relevant employment from other duties, irrespective of previous positions held.

## **3. POLICY STATEMENT**

Due to the nature of our organisation, in depth vetting and verification are required, which involve Enhanced DBS checks. As an organisation using the DBS service to assess applicants' suitability for positions of trust, Extratime complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed. A copy of the DBS Code of Practice can be obtained from the office.

As all posts within Extratime can involve regular contact and/or direct work with children, young people or vulnerable adults, Extratime will require all applicants to disclose 'unspent' criminal convictions as part of their application. Extratime will advise applicants at the time when they first submit their application, the extent and depth of the vetting they will be subjected to, before the role can be offered to them. This will enable any person who objects to the vetting process, for whatever reason, to withdraw their application early on in the recruitment process. Successful applicants will be required to consent to subsequent enhanced DBS check during employment as deemed appropriate by Extratime or regulatory bodies.

## **4. DEFINITIONS**

### **4.1 Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 provides that ex-offenders are not required to disclose to prospective employers, convictions defined as 'spent' under the Act unless, as in the case of an organisation like extratime, where the person is applying for a position involving regular contact with young people or a vulnerable client group to which the Exceptions Order to the Act applies. The Act does define time periods after which different types of convictions become spent. It also makes it illegal for employers to discriminate against an ex offender on the grounds of a spent conviction. The fact that a person has a spent conviction (as per the Rehabilitation of Offenders Act 1974) will not be grounds for Extratime refusing to engage that person; this will depend on the nature of the position and the circumstances and background of the offence(s) and the relevance to the post in question.

### **4.2 Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002**

Extratime is exempt from the provisions of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 for positions involving regular contact with children, young people or a vulnerable client group. Applicants for these positions are not therefore statutorily excused from the obligation to disclose spent convictions where a question is asked in order to assess their suitability for work. Failure to disclose a spent conviction will be considered proper grounds for that person to be refused employment or engagement.

Two DBS checks (standard and enhanced) are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974:

#### **4.2.1 Standard Disclosure**

Standard Disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. If a position involves working with children, the DBS check will indicate whether information is held on two government lists of those who are banned from working with children or the vulnerable.

#### **4.2.2 Enhanced Disclosure**

Jobs that involve caring for, supervising or being in sole charge of children or adults require an enhanced DBS check (previously called an enhanced CRB check).

This includes checking whether someone is included in the 2 DBS 'barred lists' (previously called ISA barred lists) of individuals who are unsuitable for working with:

- children
- adults

## **5. DISCLOSURE AND BARRING CHECKS**

As all posts within Extratime involve working with children, young people or vulnerable adults and/or are those in positions of trust, all convictions must be declared, as applicants who are to be offered positions within Extratime will be subject to a request for an Enhanced Disclosure and Barring Check (DBS) Disclosure. This is to enable Extratime to make more informed recruitment decisions and ensure the safety of children and young people it works with. If an employee acquires a criminal conviction during the course of their employment, they are obliged to declare it immediately to their line manager.

Extratime is a Registered Body for the purposes of applying to the DBS for Disclosures, and under this process, the Operations Director has overall responsibility (i.e. is the "Lead Countersignatory"), and senior members of management are also able to countersign applications for Disclosures (i.e. as a "Countersignatory"). Extratime will at all times comply with the obligations of the DBS's Code of Practice.

Disclosure and Barring checks will be renewed every three years – this is at the discretion of Extratime and is not a legal obligation.

### **5.1 Application for Employment**

All applicants for vacancies will be required to complete and sign Extratime's Application Form as detailed in the Recruitment and Selection Policy. The Application Form contains an acknowledgement that misrepresentation or failure to disclose material facts will constitute grounds for dismissal or withdrawal of offer of employment.

Applicants may also be asked to provide information which can only be supplied by them (i.e. for DBS Checks). In this event, particular care will be taken to ensure that the information supplied is genuine and accurate.

### **5.2 Commencing Employment or Voluntary work**

If an employee/volunteer is commencing their employment/voluntary placement before the DBS screening process has been concluded and the results judged to be

satisfactory, managers are responsible for ensuring that close supervision is observed at all times.

In no circumstances will employment or a voluntary placement be confirmed, or the screening process be considered complete, until written confirmation of all checks has been received. All offers of employment and voluntary placements are made subject to this condition.

## **6. RECRUITMENT OF EX OFFENDERS**

The Rehabilitation of Offenders Act 1974 provides that ex-offenders are not required to disclose to prospective employers, convictions defined as 'spent' under the Act (unless the post is covered by the Exceptions Order, see point 4.2). The Act defines time periods after which different types of convictions become spent. It also makes it illegal for employers to discriminate against an ex offender on the grounds of a spent conviction. Posts within Extratime are covered by the Exceptions Order.

Extratime demonstrates its commitment to the fair treatment of its staff, potential staff or users of its services, as stated in the Equality and Diversity Policy, by:

- making this Policy available, on request, to all Disclosure Applicants at the outset of the recruitment process;
- actively promoting equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience;
- ensuring application forms, job adverts and recruitment details contain a statement that a Disclosure will be requested in the event of the individual being offered the position;
- requiring candidates to provide details of their criminal record with the initial application. We guarantee that this information is only seen by those who need to see it as part of the recruitment process;
- informing applicants for voluntary or paid positions that, as the nature of the work within Extratime involves regular contact with children, young people and vulnerable adults, the organisation is allowed to ask questions about applicants' entire criminal record, not just those convictions that are considered 'spent' as defined in the Rehabilitation of Offenders Act 1974;
- ensuring that all those in Extratime who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

- ,ensuring that an open and measured discussion takes place at interview, or in a separate discussion on the subject of any offences or other matter that might be relevant to the position. Candidates will be informed that failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment;
- making every subject of a DBS check aware of the existence of the DBS Code of Practice and making a copy available on request;
- undertaking to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar an individual from working with Extratime. This will depend on the nature of the position and the circumstances and background of the offence(s) and the relevance to the post in question.

## **7. STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION**

As an organisation using the Disclosure and Barring Service (DBS), Extratime complies fully with the DBS Code of Practice regarding the correct handling, use and storage, retention and disposal of Disclosures and Disclosure Information. It also complies fully with its obligations under the Data Protection Act (Data Protection Policy) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

### **7.1 Storage and Access**

Disclosure information is never kept on an applicant's personnel file, but is kept separately and securely in a lockable cabinet with access controlled and limited to those who are entitled to see it as part of their duties. A record will be maintained of all those to whom disclosure information has been revealed.

### **7.2 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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **7.3 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.

### **7.4 Retention**

Once a recruitment decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to facilitate the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure 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. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail. However, the office will maintain a record of the following information relating to the Disclosure:

- Date of issue;
- Name of the subject;
- Type (Enhanced);
- Position for which the Disclosure was requested;
- Unique reference number;
- Recruitment decision taken.

### **7.5 Disposal**

Once the retention period has elapsed, any Disclosure Information will be immediately destroyed by secure means, i.e. by shredding. Photocopies or other image of the Disclosure or any copy or representation of the contents of a Disclosure will also be destroyed.

## **8. RESPONSIBILITY**

All those persons referred to within the scope of this policy are required to be familiar with the terms of this policy.

Senior managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the director prior to any action being taken.

The director has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the trustees and management committee.

### Document version and review control

Date Written/reviewed	Written by:	Approved by Executive Committee:
November 2011	Becky Jenner	January 2012
Reviewed March 2013	ZA	
Reviewed by Committee Oct 14	Committee	October 2014
Document to be reviewed in November 2017		