ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## DBS Policy – Recruitment

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## DBS Policy – Recruitment (previously CRB)

1. Introduction

1.1 The Disclosure and Barring Service (DBS) is an executive arm of the Home Office, which replaced the Criminal Records Bureau and Independent Safeguarding Authority in December 2012. It provides a thorough vetting service for organisations.

1.2 The DBS provides access to information held on the Police National Computer (PNC), information held by local police forces, as well as lists held by the DoH and DfE. The purpose being that the disclosure service enables organisations to make safer and more informed checks therefore aiding the recruitment decision.

1.3 The Royal Borough of Windsor and Maidenhead is a Registered Body of the DBS. It is also an Umbrella Body that can ‘countersign’ Disclosure applications on behalf of others and therefore is bound by their code of practice. [DBS code of practice - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-code-of-practice)

1.4 All recruiting managers must ensure compliance with this policy. Any failure to comply will be considered a breach of conduct and subject to potential disciplinary action.

2. Levels of Disclosure

2.1 There are three levels of Disclosure that are provided by the DBS, either Basic, Standard or Enhanced.

2.2 The level of Disclosure required will depend on the type of work involved. The HR system holds the level of required check against the position details. HR also holds a list of DBS counter signatories.

2.3 Enhanced disclosures will be required for posts within regulated settings or where there is regulated activity. with children or vulnerable adults. This includes but is not limited to Social Workers, Care Assistants, Teachers and Youth Workers.

2.4 All School positions are designated at an Enhanced level.

2.5 Advice can be sought from HR or reference can also be made to the DBS Disclosure Access Category codes, which details the categories, types and levels of posts for which a Disclosure is required. This can be accessed via <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/about-us1/>

**3. Recruitment**

3.1 The council is committed to employing from a wide-ranging labour pool. It will make every effort to prevent unfair discrimination against ex-offenders who work for the council or who may be job applicants or volunteers.

3.2 The council is committed to the principles of the Rehabilitation of Offenders Act 1974, whereby certain convictions are considered ‘spent’ after a stipulated period of time. To this end, candidates for some jobs do not have to disclose convictions once they are spent. When a person applies for a job with the borough, the borough in most cases will not take into account previous time-expired convictions as laid down in the Rehabilitation of Offenders Act 1974 (ROA 1974) unless the job requires that all convictions be disclosed, as set out below.

3.3 Some positions are exempt from the provisions of the Rehabilitation of Offenders Act 197, as set out in the Exceptions to the order, further information can be found in the Policy and Procedure on Rehabilitation of Offenders Act 1974, or visiting the DBS website at <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/about-us1/>.

3.4 Applicants for exempt posts are required to disclose their convictions even if they would otherwise be considered ‘spent’ and a DBS check is required. Such jobs include those where the potential employees will have access to vulnerable members of the community such as the young, elderly and those with disabilities and professions such as legal and accountancy. This applies both to paid work and voluntary work.

3.4 The definition of a ‘Volunteer as set out in the Police Act 1997 (Criminal Records) Regulations 2002 is:

*Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out–of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative’*

3.5 Applicants for jobs which fall into the exempt category will be advised as part of the recruitment process that they will be required to complete the Disclosure of Criminal section as part of the application process/ form.

3.6 The council will undertake its own DBS check where an applicant is successful in applying for an ‘excepted’ job or profession using the Update Service when appropriate.

3.7 In the event that a disclosure reveals any cautions or convictions, an assessment will be made as to the candidate’s suitability for employment. The process to be followed is outlined in the Recruitment and Selection Code of Practice.

3.8 The council’s Policy and Procedure for the Employment of Ex-Offenders is available on the SharePoint, Schools Leadership web page and the Jobs and Careers section (Working for Us/Additional Human Resources Information) of the RBWM web site.

3.9 For DBS designated posts, employment will be offered subject to the receipt of a satisfactory disclosure from the DBS. Start dates will not be confirmed until satisfactory clearance of our own DBS check.

3.10 The Recruitment and Selection Code of Practice identifies what action is taken in the event that an unsatisfactory check is returned.

3.11 Separate arrangements exist for the ‘Self Employed’ and ‘Agency’ staff. Confirmation of DBS is required if applicable to the post.

# 4. Portability

4.1 Further to the government’s commitment to making DBS checks for employees and volunteers portable, the Update Service was introduced for DBS certificates issued after 17 June 2013 enabling the Council to undertake an online check of their DBS status if the applicant is signed up to the service. If an applicant has not signed up to the Update Service the individual will need to complete a new check.

**5. Renewal**

5.1 The Council’s policy is that DBS checks for relevant posts in the Adult, Children and Health Services will be working with children or vulnerable adults will be renewed every 3 years. This provision does not extend to schools however governing bodies may choose to adopt it.

# 6. External guidance

6.1 The Care Quality Commission (CQC) advise that if any member of staff requires a DBS check for their work in an establishment or agency registered or inspected by the CQC, then they must by law have one.

6.2 Department for Education (DfE) guidance is that existing staff whose checks were under the old police check/list 99 system prior to the introduction of CRB (now DBS) disclosure remain current as long as:

* there are no concerns
* no change to existing role/responsibility
* no break of service of 3 months

6.3 By law, all school staff newly-employed since 12 May 2006 must have an Enhanced DBS clearance, unless they have continuous employment with less than three months break and no increase in their contact with children.

# 7. Costs

Fees for the Disclosure service are set by the Disclosure service.

[Current charges](https://www.gov.uk/government/news/fee-reduction-for-dbs-checks)

The fee for the Update Service will remain the same, at £13 per year. Standard, Enhanced, and Enhanced with Barred Lists DBS checks for volunteer applications will remain free-of-charge.

An internal administration charge is also payable for applied for checks. Fees for DBS checks are charged back to the service/school/organisations direct. Further information can be obtained from HR.