



**London Borough
of Hounslow**

Disclosure and Barring Service Disclosure checks – Guidance



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Disclosure and Barring Service

Disclosure checks – Guidance

1. Introduction

- 1.1 The Council has a duty of care to its residents to deliver services in a safe and effective manner. A key part of this is ensuring that recruitment practices are safe and comply with any statutory requirements to ensure unsuitable individuals do not gain employment working with vulnerable groups within the Council.
- 1.2 Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people working with vulnerable groups through its criminal record checking and barring service.
- 1.2 The DBS allows some employers to access the criminal record history of people working, or seeking to work in certain positions, especially those that involve working with children or adults in specific situations.
- 1.3 The DBS website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service> provides up to date guidance for employers and applicants on all aspects of the disclosure and barring service and is recommended as an additional resource.
- 1.4 DBS checks are valid for the date they are issued; therefore, the Council requires certain roles to be re-checked every three years.

2. Principles

- 2.1 The Council has a responsibility to comply with the requirements of DBS and ensure all partners delivering work on behalf of the Council, that supports recruitment activity, comply with DBS requirements.
- 2.2 All applicants will be treated fairly in accordance with UK law.

3. Scope

- 3.1 The Council's policy on DBS applies to all employees except for those directly employed by schools who are the responsibility of the Governing Body and will have separate procedures.
- 3.2 Agency workers and contractors that deliver services directly to children, vulnerable adults or cover a role has been designated as requiring a DBs check are required to have the appropriate check **prior** to commencing work with the Council.

4. Responsibilities

- 4.1 The Council has a responsibility to ensure all applicants for roles are aware of the disclosure checks required for the role and the process required to complete checks.

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 2 of 13

4.2 The Council has a responsibility to ensure all employees are aware of the disclosure checks required for certain roles at the start of employment and whether the role is subject to periodic re-checks.

4.4 The Council also has a duty to inform the DBS about people (whether employed or voluntary) it has dismissed or removed from 'Regulated Activity', or would have done if they had not left, for reasons of improper conduct toward vulnerable people. All employers are expected to report inappropriate behaviour to help other employers make recruitment decisions.

Managers

4.5 Managers are responsible for the assessment of posts and determining whether a DBS check is required, and the level required for the demands of the role. This responsibility includes keeping up to date with the requirements of DBS checks.

4.6 Managers must ensure all employees delivering services have a relevant and up to date DBS check relevant to the role they occupy.

4.7 In addition, managers involved in recruitment should familiarise themselves with safer recruitment guidance and undertake the appropriate training.

Employees

4.8 Employees who require a DBS check to undertake duties with the Council should comply with request to undertake a DBS check (and recheck as required) and advise the Council if there is a change to their circumstances that may make them ineligible to continue their duties. Failure to comply with any request to resubmit a DBS application is a disciplinary offence and could lead to dismissal.

HR & OD team

4.9 The HR and OD along with any approved partners will ensure that line managers are kept up to date with the relevant DBS regulations and ensure that line managers and employees are reminded of their responsibilities to undertake the necessary checks as required.

5. Disclosure checks – Eligibility and special circumstances

5.1 Disclosure checks are only available to registered employers who are entitled by law to ask an "exempted question". An exempted question is a valid request for a person to reveal their full criminal history, including spent convictions for the purposes of a DBS certificate. DBS checks cannot therefore be used indiscriminately.

5.2 Exempted questions only apply when an individual will be working in specific occupations, for certain licenses and specified positions. These are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

There is an [eligibility tool](#) that can be used to find out what roles could be eligible for a standard or enhanced check. There is also a [collection of guidance](#) which can be used to decide whether a role is eligible for a basic, standard or enhanced check.

5.3 Additionally the Police Act 1997 (Criminal Records) Regulation sets out the qualification criteria for enhanced checks. The Protection of Freedoms Act 2012

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 3 of 13

introduces legislative changes to the Safeguarding Vulnerable Groups Act 2006 and the Police Act 1997 regulations.

- 5.5 The flowchart in Appendix A sets out the process for DBS checks. If managers remain unsure, they can seek further advice from their HR People Business Partner.
- 5.6 The prescribed purposes relating to working with children are now consolidated into a single prescribed purpose called “work with children”, which enables eligibility for an enhanced DBS certificate. A summary is provided at Appendix B.
- 5.7 To ensure compliance with DBS requirements, each directorate will have an agreed list of posts/roles that will be subject to a DBS check. The list is held on the Council’s electronic HR Information System, (HRIS) iHounslow, and heads of service may be periodically asked by HR to confirm that the electronic list has correctly identified all posts within their area that require a DBS check. To ensure the list is up to date any new post or alterations to post require managers to confirm a post’s status in relation to DBS on the relevant e - forms.
- 5.8 **It is a criminal offence to request a DBS check for posts which are not eligible.**

Positions of trust

- 5.9 In certain circumstances, e.g. people working in ‘positions of trust’ such as Chief Executive, Chief Officers or finance managers, where the position is not eligible for a DBS check at standard or enhanced level, candidates may be asked for a basic disclosure check.

Process for transgender applicants

- 5.10 DBS offers a confidential checking process for transgender applicants.

This process is for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check.

For more information about the transgender process, please see the [Transgender Applications guidance](#) or alternatively email sensitive@dbb.gov.uk.

Overseas applicants and UK applicants who have lived abroad

- 5.11 As the DBS cannot access criminal records held overseas, a criminal record check may not provide a complete picture of an individual’s criminal record and further checks are recommended.
- 5.12 However, it is possible to apply for information from overseas authorities for non UK nationals and UK nationals who have lived abroad. In a small number of cases, overseas criminal records are held on the Police National Computer and these would be revealed as part of a criminal record check. A DBS check should therefore still be conducted.
- 5.13 For overseas candidates, and UK candidates who have lived abroad for significant periods, the Council (or the applicant) should try to obtain a certified translation of a

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 4 of 13

“Certificate of Good Conduct” from the relevant embassy or police force where that is available.

- 5.14 In addition the applicant should be asked to get a criminal record check, from their country of origin. In some cases, it may be possible for employers to get such a check through the relevant embassy in the UK but the applicant must be asked to give their permission.

- 5.15 Processes for getting criminal records checks from abroad vary between countries and the standard of foreign police checks will also differ. Details of how to obtain such checks are available online at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

- 5.16 If the country concerned is not listed, the relevant embassy or consulate should be contacted for further information. Contact details can be found online at: <https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>
It may be helpful to contact The Foreign & Commonwealth Office (FCO) Response Centre Helpline on 020 7008 1500 for advice.

- 5.17 Where an applicant is from or has lived in a country where criminal record checks cannot be made, or is a refugee with leave to remain in the UK and has no means of obtaining relevant information, the manager in conjunction with their Business Partnering Team must take extra care in taking up references and carrying out other background checks.

- 5.18 Additional references should be sought, and references followed up by telephone as well as by letter. This may include additional references from potential overseas employers. The information available should be carefully considered and the decision must be balanced against any safeguarding needs.

Posts subject to Baseline Personnel Security Standard (BPSS)

- 5.19 *Posts requiring access to the Public Sector Network are subject to a security check known as the BPSS. This will necessitate applicants or employees to provide a basic disclosure (see 4.3). Full details of the BPSS are available in the Baseline Personnel Security Standard Policy.*

6. Types of checks

- 6.1 There are various types of checks. These are set out in Table 1 below.

Table 1

Type	Level of checking
Basic	contains details of unspent convictions and conditional cautions
Standard	considers spent and unspent convictions, cautions, reprimands, final warnings
Enhanced	As above plus additional information held locally by police forces that's reasonably considered relevant to post applied for.
Enhanced + list check	As above plus a check of the appropriate DBS barred lists

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 5 of 13

6.2 DBS checks may take up to 8 weeks, depending on the type of check required. It can be longer if personal information required for the check are incorrect or if several police forces need to be involved in the check.

6.3 DBS checks for employees require a fee and these costs are met by the council. Checks on volunteers are free of charge. Information on volunteer applications and eligibility for free checks can be found in the government [Guidance For Employers](#).

7. Frequency of Checks

7.1 Posts eligible for a DBS check require successful candidates to complete a DBS check at the start of employment or when the duties of the role change and a check is required.

7.2 In addition, for certain roles the Council requires a new disclosure check to be undertaken; these are generally in the care sector and education.

7.3 The Council reserves the right to require any employee to undergo a recheck at any point where it has reasonable grounds to do so.

8. Submitting DBS checks

8.1 The Council uses an approved registered body to process DBS checks; this is done via an on-line portal. The current registered body is Liberata who act as the HR transactional partner for the Council.

New employees

8.2 Advertisements, application forms and invitations to interview should make it clear that a DBS check will be carried out. Applicants for positions requiring a DBS check will be asked to provide details of any criminal convictions, cautions, reprimands or police warning in accordance with the filtering rules, (please refer to DBS guidance on filtering rules [New filtering rules - GOV.UK \(www.gov.uk\)](#) during the recruitment process. Any offer of employment will be conditional on the receipt of satisfactory checks.

8.3 In their offer letter, new applicants will be sent a link to the DBS website and informed of the level of DBS check required.

8.4 Applicants will be provided with a username and password and are advised to take care when completing the on-line application. Errors made will hinder (and possibly block) progress in submission of the application.

8.5 Once the online application has been completed an individual's identity will need to be checked.

8.6 Registered Bodies must follow the DBS identity checking process to validate the name, date of birth and address provided by the applicant on the DBS online application form. The DBS has provided identity checking guidelines for use; these can be downloaded at the following website and are strongly recommended:

<https://www.gov.uk/government/publications/dbs-identity-checking-guidelines>

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 6 of 13

- 8.7 Liberata will make the necessary arrangements with new applicants to facilitate the checking of ID documents and take relevant copies as required. The list of documents required can be found in Appendix C.

Renewal of DBS

- 8.8 Existing employees requiring a DBS renewal will be contacted by Liberata three months prior to the end of a three year period and employees will be asked to complete a new application on-line. This is sometimes referred to as the expiry date of the DBS certificate.¹
- 8.9 Employees will follow the same procedure for new employees as set out in paragraphs 8.4 - 8.5 above.
- 8.10 Employees will be reminded at monthly intervals of the need to renew their DBS. The first reminder after 30 days will be copied to the employee's line manager and HR will be notified.
- 8.11 After 60 days, if the employee has not completed the relevant forms and submitted their ID for verification to Liberata, the relevant head of service and where appropriate, Assistant Director will be notified. A formal letter may be sent from either the senior manager or HR reminding both the immediate line manager and employee of their responsibilities to comply with DBS requirements
- 8.12 After 90 days the line manager will be required to submit a risk assessment to HR and account to the Executive Director on why the DBS has not been completed. Completion of a risk assessment may result in the employee being closely supervised, placed on restricted duties and in severe cases removed from duties pending disciplinary measures. [There may be exceptions where the process cannot be completed e.g. due to exceptional circumstances such as long-term sickness.]
- 8.13 Once the internal process is complete the checking process at DBS involves:
- Stage 1 - application received and validated
Stage 2 - police national computer searched
Stage 3 - children and adults lists searched, as applicable
Stage 4 - records held by police searched, as applicable
Stage 5 - disclosure (DBS) certificate printed (issued)

9. DBS Certificates

- 9.1 Certificates are issued by post to the applicant i.e. the individual on whom the check was carried out.
- 9.2 The DBS do not automatically issue a copy of an applicant's DBS certificate to the Registered Body who countersigned the DBS application form. Disclosures for on-line applications are received electronically and the applicant will receive disclosure certificate by post.
- 9.3 The Registered Body, Liberata will input the certificate number and the renewal date (where applicable) on iHounslow as a record that a check has been undertaken.

¹ DBS certificates are only valid for the date the certificate is issued.

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 7 of 13

10. DBS Update Service

- 10.1 The DBS offer an online subscription service called the 'update service' that allows individuals to keep their standard or enhanced DBS certificate up to date. Individuals pay an annual subscription for this service and applicants using this service can give permission to employers to check their certificate on-line.
- 10.2 Individuals can only join the update service within 30 days of receiving a valid DBS certificate. The date on the certificate is the effective date used to calculate the 30-day period.
- 10.3 The Update Service will be used by the Council only for renewals where the employee has confirmed that they have a current DBS certificate and give the Council permission to check details on the update service.

11. Action needed if a criminal record is revealed on a disclosure

- 11.1 The Council obtains and makes decisions based on information provided on DBS disclosure certificates in accordance with the Data Protection Act, the DBS Code of Practice, the Rehabilitation of Offenders Act, The Police Act and the regulations of the Department for Education (DFE) and the Department of Health (as regulated by OFSTED and the Care Quality Commission) and considering the requirements of the role.
- 11.2 Managers are advised to follow the guidance provided in the [Safer Recruitment Guide](#).
- 11.3 The [Employment of Ex-Offenders Policy](#) also provides advice on "assessing the relevance of criminal records" and is recommended.
- 11.4 A criminal record arises from a conviction. In addition, there are other types of police records which are not criminal convictions, and include reprimands, and final warnings. How these different disclosures are treated will vary dependent on the circumstances of the case and managers should discuss any disclosures with the HR People Business Partner Team prior to deciding.
- 11.5 Similarly where there are other serious concerns about an applicant's suitability to work with children or vulnerable adults, the facts should be considered with a member of the HR People Business Partner Team.
- 11.6 If a candidate is found to be on a list barring them from the work to which they have applied; the offer of employment will be withdrawn and the facts should be reported to the police and/the referral and barring service of the DBS. The police will take appropriate action, as it is an offence for a barred person to apply for such work and for an employer to knowingly employ a barred person in such capacity.
- 11.7 If an applicant has provided false information in or in support of their application, consideration should be given to the offer of employment being withdrawn. This decision should be made in conjunction with advice from the HR People Business Partner Team. Failure to comply with a request to submit or resubmit a DBS application is a disciplinary offence and could lead to dismissal.

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 8 of 13

12. Storage of Data

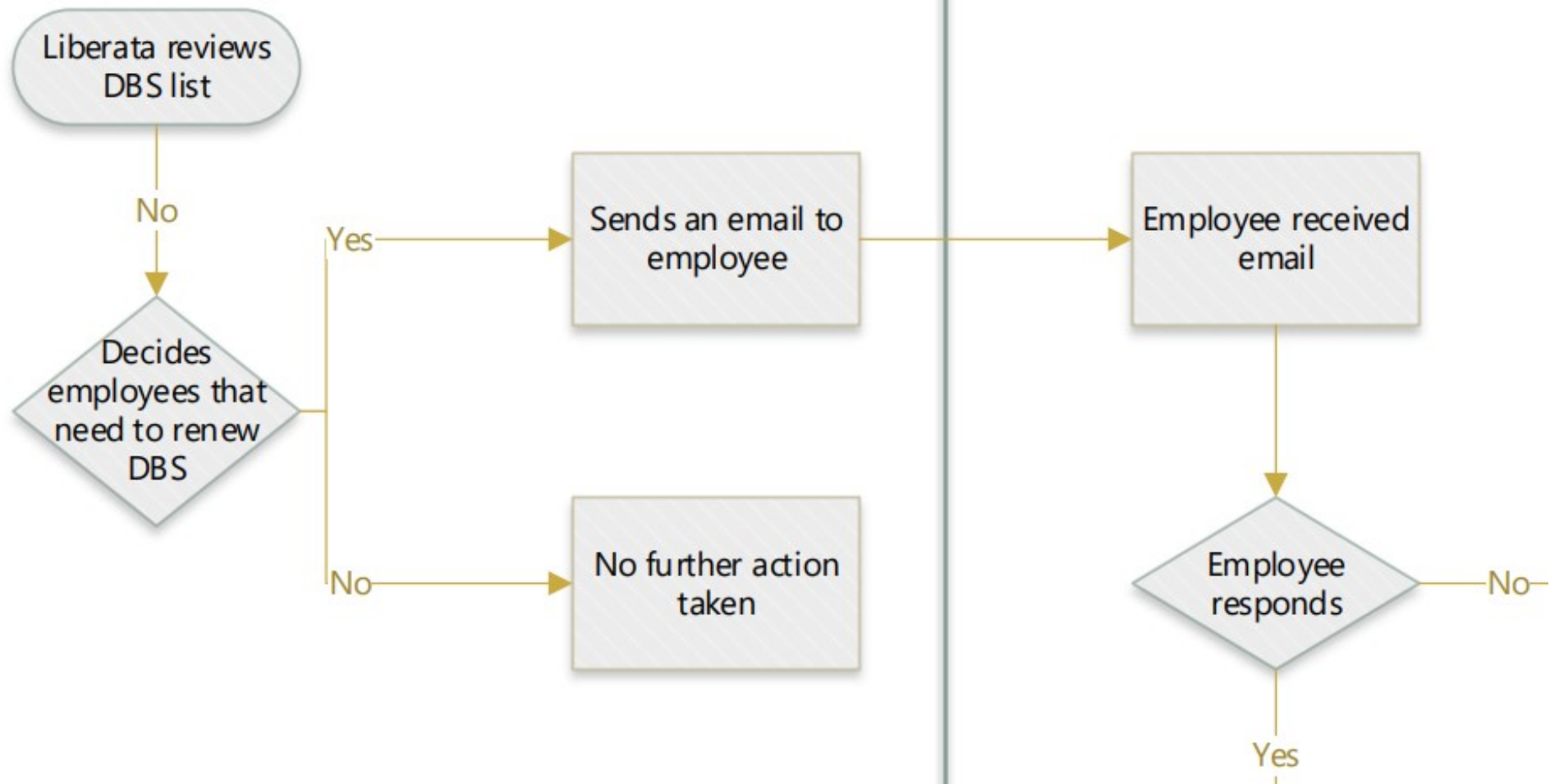
- 12.1 Officers are required to comply with the [Policy on the secure storage, handling, use, retention and disposal of disclosure information from the DBS](#)".
- 12.2 Line managers should not hold any personal data contained on an employee's DBS in either paper or electronic format.

Effective from:	Replaces:	Originator	Page of total pages
1 December 2021	DBS Disclosure checks 23 November 2017	HR & OD	Page 9 of 13

Cross Functional Flow chart

Liberata

Employee



**Eligibility for DBS Disclosure Checks:
Definition of “Work with Children”**

Work with Children – amendment to eligibility for criminal record checks

The Home Office has recently provided a legal definition of “work with children”. This consolidates the existing prescribed purposes relating to working with children and brings them together into a single prescribed purpose called “work with children” which enables eligibility for an enhanced level DBS certificate.

A summary of the new prescribed purpose is provided below:

- Activities that would have met the definition of regulated activity with children before the introduction of the Protection of Freedoms Act (PoFA) in September Act 2012
- Activities that meet the definition of regulated activity with children
- Adoptive parents, Special Guardians and any of their household members
- Registration for child minding/day care and any household members
- Registration under Part 3 of the Childcare Act 2006 and any household members
- Foster carers, private fosters carers and any household members
- Household members of individuals who are in regulated activity with children or would have been in regulated activity with children before the introduction of the PoFA in September 2012 and live on a school site; or are working and living in an FE institution or 16-19 Academy
- Working in an FE institution or 16-19 Academy where the normal duties of that work involve regular contact with children
- Activities that would have been regulated activity with children before the introduction of PoFA in September 2012 if they met the period condition but are only carried out infrequently
- Activities that would be regulated activity with children if they met the period condition but are only carried out infrequently
- Registration under Part 2 (Establishments) and Part 4 (Social Care Workers) of the Care Standards Act 2000

Eligibility for accessing children’s barred list checks is not affected. The list of roles and activities covered under the “work with children” definition is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311451/DBS_guide_to_eligibility_v4.pdf

DBS Disclosure Checks: Documents Required

The person going through a DBS check (the 'applicant') - must give their employer or their employers agent acting as a Registered Body for DBS, original documents proving their identity. The documents to be provided will depend on the route the application takes. The applicant must try to provide documents from Route 1 first.

Route 1

The applicant must be able to show:

- 1 document from Group 1, below
- 2 other documents from either Group 1 or Group 2a or 2b, below

At least one of the documents must show the applicant's current address.

Route 2

If the applicant doesn't have any of the documents in Group 1, then they must be able to show:

- 1 document from Group 2a
- 2 other documents from either Group 2a or 2b

At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

Route 3

Route 3 can only be used if it hasn't been possible to process the application through Routes 1 or 2. For Route 3, the applicant must be able to show:

- a birth certificate issued after the time of birth (UK and Channel Islands)
- 1 document from Group 2a
- 3 further documents from Group 2a or 2b

At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart	UK/Isle of Man/Channel Islands (full or provisional)
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, e.g. Embassies, High Commissions and HM Forces

Group 2a: Trusted government documents

Document	Notes
Current driving licence (full or provisional) –paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EU
Current photo driving licence	All countries outside the EU (excluding Isle of Man and Channel Islands)

Document	Notes
	Non-UK licences must be valid for up to 12 months from the date applicant entered the UK
Birth certificate - issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
Adoption certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months.
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months.
Bank or building society account opening confirmation letter	UK	Issued in last 3 months.
Credit card statement	UK or EEA	Issued in last 3 months.
Financial statement e.g. pension or endowment	UK	Issued in last 12 months.
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months.
Council Tax statement	UK and Channel Islands	Issued in last 12 months.
Work permit or visa	UK	Valid to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months.
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months.
Central or local government, government agency, or local council document giving entitlement, e.g. from the DWP, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months.
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from Head Teacher or College Principal	UK – for those aged 16 to 19 in full time education – only used in exceptional circumstances if other documents cannot be provided.	Must still be valid