



## Disclosure and Barring Service Disclosure checks – Guidance

### 1 Introduction

- 1.1 The Disclosure and Barring Service, formed from the merger of the Criminal Records Bureau and Independent Safeguarding Authority, helps employers make safer recruitment decisions and prevent unsuitable people working with vulnerable groups including children through its criminal record checking and barring service.
- 1.2 The DBS disclosure service 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 barring side of DBS provides expert caseworkers who process referrals about individuals who have harmed or pose a risk of harm to children and/or vulnerable groups. They make decisions about who should be placed on the children's barred list and/or adults barred list and prevented by law from working with children or vulnerable groups.

### 2 Disclosure checks – Eligibility

- 2.1 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.
- 2.2 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. This lists the occupations and positions. A listing of positions eligible for checks can be found in the Annex of the DBS Guide to Eligibility<sup>1</sup> at:  
  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311451/DBS\\_guide\\_to\\_eligibility\\_v4.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311451/DBS_guide_to_eligibility_v4.pdf)
- 2.3 Additionally the Police Act 1997 (Criminal Records) Regulation sets out the qualification criteria for enhanced checks. The Protection of Freedoms Act 2012 introduces legislative changes to the Safeguarding Vulnerable Groups Act 2006 and the Police Act 1997 regulations.
- 2.4 The flowchart at Appendix A, provides additional guidance on eligibility for DBS checks and sets out the decision making process. If managers remain unsure they may seek further advice from their designated HR Advisory Team.

<sup>1</sup> This Guide is regularly updated and the version may be different to that listed above

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- 2.5 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 of the new prescribed purpose is provided at Appendix C.

### **3 Job roles**

- 3.1 The use of DBS checks is restricted to the “exempted questions” as stated in section 2 and outlined in the Flowchart, appendix A. DBS checks cannot therefore be used indiscriminately.
- 3.2 To ensure compliance each directorate will have an agreed list of posts/roles that will be subject to a DBS check. The list will be maintained by the designated HR team and will be subject to annual review. The HR Manager will be responsible for undertaking this audit.

#### Positions of trust

- 3.3 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 (see 4.2).

#### Posts subject to Baseline Personnel Security Standard (BPSS)

- 3.4 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 4.2). Full details of the BPSS are available in the Baseline Personnel Security Standard Policy.
- 3.5 An agreed list of posts subject to basic disclosure should also be maintained and reviewed annually by the HR Manager.

### **4 Types of checks**

Type	Level of checking	Time taken
Standard	considers spent and unspent convictions, cautions, reprimands, final warnings	about 2 weeks
Enhanced	As above plus additional information held locally by police forces that’s reasonably considered relevant to post applied for.	about 4 weeks
Enhanced + list check	As above plus a check of the appropriate DBS barred lists	about 4 weeks

- 4.1 DBS checks require a fee although checks on volunteers are free of charge; costs will be met by the Council. The checking process involves:

Stage 1 - application received and validated  
Stage 2 - police national computer searched  
Stage 3 - children and adults lists searched, as applicable  
Stage 4 - search of records held by police, as applicable  
Stage 5 - disclosure certificate printed

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- 4.2 Basic disclosure checks are only available from DBS Scotland and may be requested by applicants in the UK. A basic disclosure would show unspent convictions in the UK. For further details refer to the website:  
[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

## **5 Submitting DBS checks**

- 5.1 New applicants will be sent a DBS application form with their offer letter. Existing employees requiring a DBS renewal will be contacted by their HR Advisory team four/six weeks prior to the expiry of their DBS certificate.
- 5.2 Applicants or employees will be asked to meet the appropriate HR Advisory team with their completed DBS application form. The individual should be provided with information about the level of check required.
- 5.3 At this time new applicants will also be expected to provide original documents to prove their identity. The type of documents will depend on the route the application takes, i.e. which documents from the three tables the applicant holds. See the list at appendix B. Applicants must try to provide documents from route 1 first.
- 5.4 A member of the HR team will facilitate the process by checking the DBS application form, the ID documentations and taking copies of relevant paperwork as required.
- 5.5 Registered Bodies must follow the DBS 3-route identity checking process to validate the name, date of birth and address provided by the applicant on the DBS 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>
- 5.6 The Council will also conduct an external ID validation check.
- 5.7 The application form will then be submitted by the Council to the DBS for processing as indicated in paragraph 3.1. The Council will be able to track progress of the application via the on-line service.
- 5.8 In due course the DBS will send out a certificate (see section 6) to the applicant/employee. HR teams must have sight of this before agreeing a start date.

## **6 DBS Certificates**

- 6.1 A change in legislation means that certificates will be issued to the applicant i.e. the individual on whom the check was carried out. The exception being basic disclosure certificates from Disclosure Scotland which applicants can ask to be sent to their employer.
- 6.2 The DBS will no longer automatically issue a copy of an applicants DBS certificate to the Registered Body who countersigned the DBS application form. The applicant will instead be required to evidence the original DBS certificate for verification.

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6.3 The Council will therefore ask the applicant for sight of their DBS certificate. When satisfactorily evidenced, the HR Advisory Team will take a copy of the certificate.

6.4 Once the applicant has started details of the DBS certificate number and date of expiry will be retained on iHounslow and the copy of the certificate shredded. For existing employees these details will be entered on iHounslow.

## **7 Overseas applicants and UK applicants who have lived abroad**

7.1 The DBS cannot access criminal records held overseas, but it is possible to submit an application for overseas and UK applicants 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.

7.2 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.

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

7.4 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.

7.5 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-checks-for-overseas-applicants>

7.6 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>  
The Foreign & Commonwealth Office (FCO) Response Centre Helpline on 020 7008 1500 may also be able to advise.

7.7 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 HR team must take extra care in taking up references and carrying out other background checks.

7.8 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.

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## **8 Action needed if a criminal record is revealed on a disclosure**

- 8.1 Most DBS checks will have been made under “exempted questions” and managers are therefore advised to follow the guidance provided in section 26/27 of the Safer Recruitment Policy.
- 8.2 The Employment of Ex-Offenders Policy also provides advice on “assessing the relevance of criminal records” and is recommended.
- 8.3 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 are strongly advised to discuss any disclosures with their HR Manager prior to making a decision.
- 8.4 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 Advisory Team.
- 8.5 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.
- 8.6 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 Advisory Team.

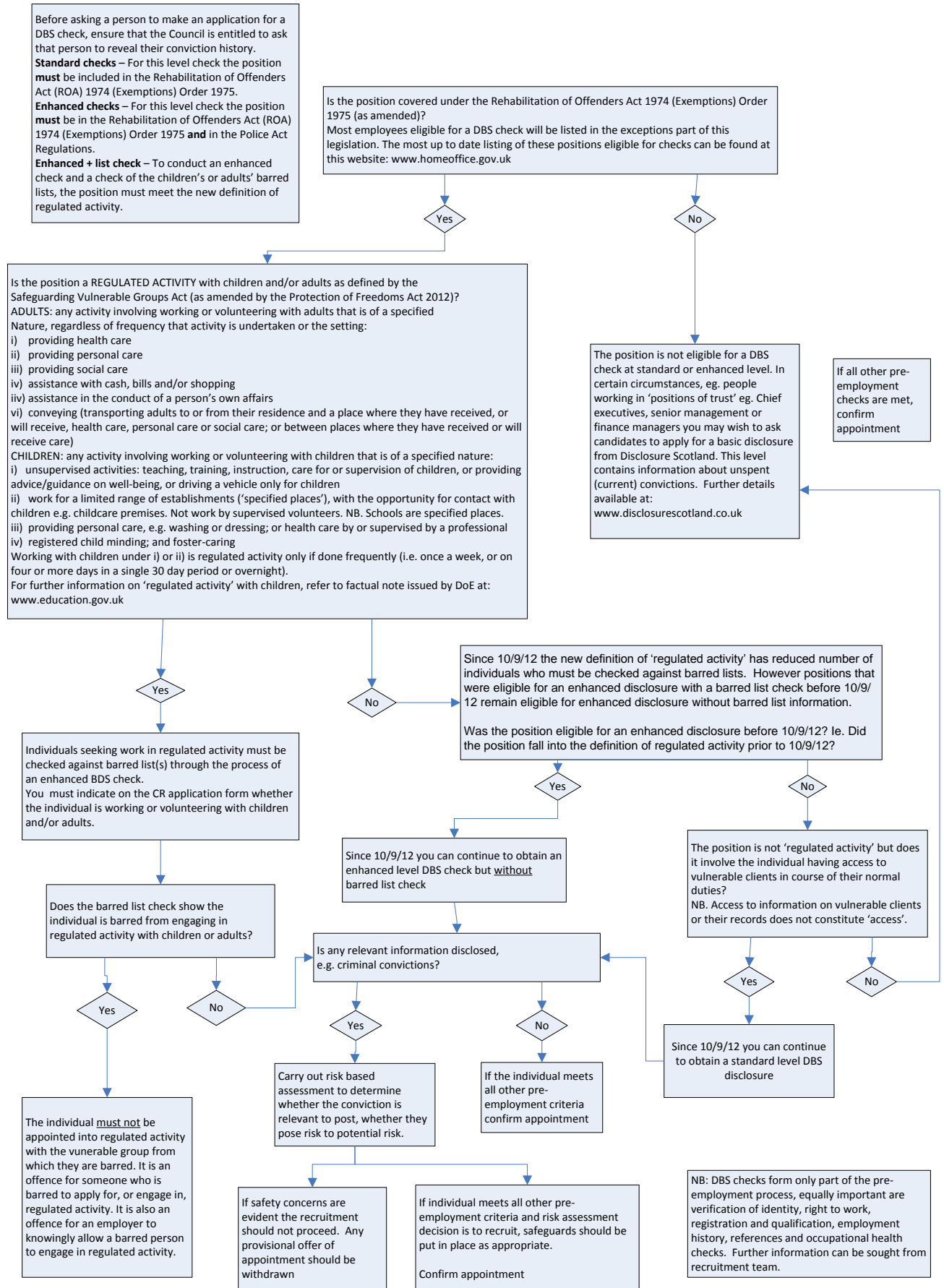
## **9 Storage of Data**

- 9.1 Officers are required to comply with the “Policy on the secure storage, handling, use, retention and disposal of disclosure information from the DBS”. This policy is available on the intranet.

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# Disclosure Checks – Flowchart

## Appendix A



## DBS Disclosure Checks: Documents Required

The person going through a DBS check (the 'applicant') - must give their employer 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, eg Embassies, High Commissions and HM Forces

### **Group 2a: Trusted government documents**

Document	Notes
Current driving licence – old style paper version	UK
Current photo driving licence	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 and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands

**DBS Disclosure Checks: Documents Required**

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**

<b>Document</b>	<b>Notes</b>	<b>Issue date and validity</b>
Mortgage statement	UK or EEA	Issued in last 12 mths.
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 mths.
Bank or building society account opening confirmation letter	UK	Issued in last 3 mths.
Credit card statement	UK or EEA	Issued in last 3 mths.
Financial statement, eg pension or endowment	UK	Issued in last 12 mths.
P45 or P60 statement	UK and Channel Islands	Issued in last 12 mths.
Council Tax statement	UK and Channel Islands	Issued in last 12 mths.
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 mths.
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 mths.
Central or local government, government agency, or local council document giving entitlement, eg from the DWP, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 mths.
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from Head Teacher or College Principal	UK – for 16 to 19 year olds in full time education – only used in exceptional circumstances if other documents cannot be provided.	Must still be valid

**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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311451/DBS_guide_to_eligibility_v4.pdf)