

# **CITIZENS ADVICE MOLE VALLEY**

## **Disclosure and Barring Service policy**

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## Statement of intent

We may request a criminal record check as part of our recruitment process for staff and volunteers. These checks are processed by the Disclosure and Barring Service (DBS) and are to assist us in making safer recruitment decisions.

DBS checks are just one part of recruitment practice and will not solely be relied on for our decisions. For example references will be requested and checked as part of staff and volunteer recruitment.

## Principle

This policy is written in compliance with the [DBS Code of Practice](#) and Rehabilitation of Offenders Act 1974. All applicants for a DBS check should be made aware of this DBS Code of Practice and provided with a copy upon request.

## Eligibility

Eligibility for DBS checks is set out in the following legislation:

- **Standard checks** – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order.
- **Enhanced checks** – 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.
- **Enhanced checks with children's and/or adults' barred list check(s)** – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

We will determine which type of DBS check is required for staff and volunteer roles, and use all reasonable endeavours to ensure that we only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.

If the role is not eligible for the levels of check listed above, we may consider asking the applicant to undertake a [basic DBS check](#).

## Training

We will ensure that members of staff involved in the DBS application process are aware of and trained on this policy and understand their role and responsibility as an evidence checker.

Evidence checkers will verify the identity of the applicant prior to the submission of an application for a DBS product by following the current guidelines issued by DBS. They will also ensure that applications for a DBS product are completed accurately and that all data fields determined by DBS as mandatory are completed in full.

## Recruitment

All staff and volunteers performing eligible roles under the legislation must have the appropriate DBS check. This is regardless of whether or not they have any other type of clearance, e.g. police vetting.

In our recruitment of staff and volunteers we will:

- follow all the usual employment and Citizens Advice procedures
- carry out the necessary due diligence and seek references
- ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a DBS check
- notify all applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision
- where possible we will discuss the content of the disclosure certificate with the applicant before withdrawing any offer of employment

**IMPORTANT:** For certain eligible roles under the legislation, an appropriate DBS certificate must be in place before commencing any [‘regulated activity’](#). This is regardless of any other type of clearance, e.g. police vetting, and regardless of whether the regulated activity is supervised or not. For all other roles, staff and volunteers can start pending receipt of their disclosure certificate.

If as part of their role, a volunteer or employee needs to start undertaking [regulated activities](#) (even if it's a one off) then the appropriate DBS check must first be carried out.

## Recruitment of people in roles not eligible for DBS checks

We will ensure that no recruitment decision compromises the safety of clients, staff or volunteers. Candidates for roles not eligible for DBS checks must still undergo the full recruitment process and we may use alternative ways to ensure we're safeguarding people who they will be in contact with.

Examples of the types of checks that could be done include:

- identity checking
- nationality and immigration status check (including an entitlement to undertake the work in question)
- employment history (past 3 years)
- basic DBS check
- personal or character reference from a recognised professional as to suitability for the role, e.g. from a medical doctor, legal professional, dentist, teacher or lecturer
- 'certificate of good conduct' - where candidates have spent 180 days (6 months) within the last 3 years living, travelling, studying or working abroad and are unable to provide employment or volunteering references for that time spent abroad

Disclosed offences will be judged on an individual basis, if an individual attempts to conceal an unspent conviction it could result in the withdrawal of an offer or dismissal at a later date. See [Ex-offenders policy](#) for further details.

## Disclosure certificates from another organisation

We will not accept a disclosure certificate gained via another organisation if it is more than 6 months old or is a different level of DBS check to what is required for the role we're recruiting for.

We will consider the following when deciding whether to accept a disclosure certificate that has been gained from the applicant's former employer:

- the risk that if the applicant has committed any recent offences - these will only show on a new application
- is the certificate for the same level and workforce?
- that the details on the disclosure certificate match other identification documents provided by the applicant

## Ex-offenders and insurance

The Citizens Advice service is committed to the promotion and delivery of equal opportunities to clients, employees and volunteers. We have an [Ex-offenders policy](#) in place to make sure they are treated fairly.

DBS requires every organisation using its disclosure service to have a written policy on the recruitment of ex-offenders.

Insurance cover relates to all staff and volunteers. If a person has convictions, a risk assessment will be carried out in line with an accepted risk assessment tool or framework as covered in the [Ex-offenders policy](#).

## Storage and access

As an organisation using DBS to help assess the suitability of applicants, we comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

We also fully comply with our obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and have a written policy on these matters, which is available to those who wish to see it on request.

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. 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 disclosure certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, disclosure certificate information will not be kept in any insecure receptacle.

We will not keep any photocopy or other image of the disclosure certificate or any copy or representation of the contents. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the applicant, the type of DBS check requested, the role for which the DBS check was requested, the unique reference number of the disclosure certificate and the details of the recruitment decision taken. The content of the disclosure certificate will not be recorded.

## Maintaining up to date information

We take client protection seriously and it is our intention to re-screen specific staff and volunteers as appropriate. This will be made clear in the terms of employment. We will rescreen people in eligible roles every 3 years to limit the client's exposure to risk.

If we're able to use the DBS Update Service we will ensure we follow the [rules and guidance](#).