

OADBY & WIGSTON BOROUGH COUNCIL

DISCLOSURE AND BARRING SERVICE CHECKS POLICY AND PROCEDURE



Policy Version Number: 3.0

Committee Approval: Policy, Finance and Development Committee

Date of Approval: 26 September 2014

Date of Review: April 2022

Date of next review: April 2024



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1.0 Background

The Disclosure and Barring Service (“the DBS”) is responsible for processing requests for criminal record checks and for maintaining and checking the DBS children’s barred list and adults’ barred list for eligible roles.

Oadby and Wigston Borough Council (“the Council”) is committed to safeguarding the welfare of those who receive Council services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act 2006 (“SVGA 2006”). This duty must be carried out with due regard to all other relevant legislation and guidance including the Rehabilitation of Offenders Act 1974, the Protection of Freedoms Act 2012, the Data Protection Act 2018, the Human Rights Act 1998 and the DBS Code of Practice (Appendix 1).

The Council will ensure it adheres to the DBS Code of Practice, under which the Council is required to:

- Use the disclosure information fairly
- Not discriminate against candidates on the basis of unrelated criminal convictions
- Ensure data security
- Comply with the recommendations for the retention of records
- Comply with requests from the DBS to undertake assurance checks.

Other relevant policies that should be read in conjunction with this policy are:

- Recruitment of Ex-Offenders Policy
- Recruitment and Selection Policy
- Disciplinary Policy and Procedure
- Equalities Policy
- Adult Safeguarding Policy
- Children and Young People Safeguarding Policy

2.0 Purpose

This policy aims to:

- Identify which posts are subject to a DBS check.
- Provide a framework and guidance to Line Managers on dealing with the DBS checking and the use of information provided by the DBS.



- Implement safe recruitment practices throughout the Council with regard to the SVGA 2006.
- Ensure that anybody required to obtain a DBS certificate for the Council is treated fairly and consistently.
- Promote the use of relevant DBS checks and prevent inappropriate and illegal checks.

The Council is a DBS-registered body with permission to undertake DBS checks as required for the protection of vulnerable groups. Compliance with this policy will ensure that the Council correctly applies the law and that its registered status with the DBS is not jeopardised.

3.0 Scope

This policy shall apply equally to all internal candidates (those currently employed by the Council) and external candidates who are being considered for employment or volunteering positions. The policy shall also apply to external contractors (such as taxi drivers licensed by the Council), agency staff and consultants appointed by the Council.

It will form part of the induction process of new employees. The policy does not form part of the normal terms and conditions of employment of any employee.

The Council reserves the right to change the terms of this policy from time to time in order to comply with legislative requirements or as otherwise necessary, following appropriate consultation with Unions in cases of substantial variation.

4.0 Equal Opportunities

The Council fully complies with the DBS Code of Practice and undertakes to treat all Council employees, agency staff, volunteers and contractors ("The Applicant") fairly and equally when dealing with their DBS applications.

The Council undertakes not to discriminate unfairly against any Applicant on the basis of a conviction or other information revealed by a DBS check.



5.0 Roles and Responsibilities

Role	Responsibility
The DBS	<p>The DBS issues a Code of Practice with which Registered Bodies (organisations authorised to issue and countersign DBS application forms) must comply. It issues certificates listing the Applicant's criminal convictions (if any). It maintains barred lists as to people not allowed to work with children or adults. It also receives referrals from employers as to people who give their employers cause for concern as to their suitability for regulated activities.</p> <p>The DBS also advises employers and Applicants whether roles and activities require a DBS check. It can be contacted by:</p> <p>Email: customerservices@dbs.gsi.gov.uk</p> <p>Telephone: 03000 200 190</p>
The Compliance Officer	<p>The Compliance Officer is the Council's Lead Counter-Signatory for DBS applications. He is responsible for implementation of this policy and providing support and guidance to managers on the operation of this policy.</p> <p>He will check Applicants' identity documentation (DBS provide a list of suitable documents, Appendix 3) and the application form (Appendix 4) before it is signed off and sent to the DBS.</p>
Human Resources ("HR")	<p>HR will draw up job descriptions for roles within the Council. It shall advise and support managers and supervisors in the application of this policy to ensure its consistent application and interpretation.</p>
The Applicant	<p>Those requiring a DBS check for their role in the Council shall be responsible for completing the DBS application form and providing the necessary proofs of identity for the attention of the Compliance Officer as soon as possible.</p>



Role	Responsibility
The Line Manager	The Line Manager shall liaise with the Applicant, discussing any measures to be taken if the Applicant has convictions relevant to the post. The line manager shall also liaise with HR to determine a suitable starting date for the Applicant to work in his post.
The Licensing Officer	The Licensing Officer shall ensure Applicants requesting a taxi driver licence from the Council complete a DBS application form and provide the necessary identity papers. He shall obtain the DBS certificate from the Applicant before deciding whether or not a licence should be granted to the Applicant.
Trade Union or other Representative	It is the role of the Trade Union or other representative to advise and support union members in the application of this policy and procedure.

6.0 Types of DBS Checks and Eligibility

There are 5 types of DBS check. The Council shall provide the Applicant with information as to the level of check required for his role within the Council.

DBS checks are mainly required for job positions and activities involving “regulated activity” concerning adults or children.

The definition of “regulated activity” (“the Current Definition”) is provided in Schedule 4 of SVGA 2006, which has been significantly amended by the Protection of Freedoms Act 2012: it came into force on 10 September 2012. If the role or activity in question comes within the Current Definition concerning adults, children or both, the relevant DBS barred list(s) will be consulted as part of the DBS check. The DBS barred lists consist of individuals deemed unsuitable to work with adults or children.

The Council can only ask for a barred list check for specific roles: it is a criminal offence to ask for a barred list check for any other roles.

The DBS application form asks 3 questions which will prompt barred list checks:

- Are you entitled to know whether the applicant is barred from working with children?



- Are you entitled to know whether the applicant is barred from working with adults?
- Does this position involve working with children or adults at the applicant's home address?

People who appear on the adult or child barred lists cannot be employed or used as volunteers by the Council in roles involving interaction with adults or children respectively: it is an offence for the Council to knowingly do so.

It is an offence for someone to apply for a position with the Council as an employee, volunteer or contractor which involves working with children or adults if they are on the barred list for the relevant group. The Council shall report such people to the relevant authorities.

The definition of regulated activity before 10 September 2012 ("the Old Definition") is still relevant: if the Applicant's work does not come within the Current Definition, the Old Definition will be used to see if the Applicant's work comes within that. If the Applicant's work does come within the scope of the Old Definition, the Applicant will require an enhanced check which will not include a check of the DBS barred lists.

Another way of determining whether the holder of a Council post requires a DBS check is by reference to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ("the Exceptions Order") and the various sets of Police Act 1997 (Criminal Records) Regulations ("the Police Regulations"). The Exceptions Order and the Police Regulations provide separate lists of roles and activities which will require a DBS check (roles within the Current Definition of regulated activity with adults or children appear in both of these lists), but there are also positions of trust, such as solicitors, barristers, actuaries, chartered and certified accountants, for which at least a standard check is required.

Activities listed in the Police Regulations will generally require an enhanced check for regulated activity; activities listed only in the Exceptions Order will generally require a standard check. The DBS provides a summary of jobs which are listed in the Exceptions Order in a non-exhaustive Annex of jobs and activities (**Appendix 2**). The DBS can be contacted by email as to whether specific activities will require a DBS check, and if so, at what level.

Enhanced Check for Regulated Activity (Adults)

This check will be used when the Applicant is undertaking regulated activity relating to adults as defined by SVGA 2006. This check involves a check of the Police National Computer, police information that the police reasonably believe is relevant to the post and the DBS adults' barred list.



This check shall be carried out on Applicants whose work or activities comes within SVGA 2006's definition of regulated activity concerning adults **or** whose work is listed in the Police Regulations.

Enhanced Check for Regulated Activity (Children)

This check will be used when the Applicant is undertaking regulated activity relating to children. This check involves a check of the Police National Computer, police information that the police reasonably believe is relevant to the post and the DBS children's barred list.

This check shall be carried out on Applicants whose work or activities comes within the Current Definition of regulated activity concerning children **or** whose work is listed in the Police Regulations.

Enhanced Check for Regulated Activity (Adults and Children)

This check will be used when the Applicant is undertaking regulated activity relating to both adults and children. This check involves a check of the Police National Computer, police information reasonably believed relevant to the post and both the DBS adults' and children's barred list.

This check shall be carried out on Applicants whose work or activities comes within the Current Definition of regulated activity concerning adults and children **or** whose work is listed in the Police Regulations.

Taxi drivers come within this category when they apply to the Council for a taxi driver licence.

Enhanced Check

This check will be used if the Applicant's work or activities only constitute regulated activity within the Old Definition. This check involves a check of the Police National Computer and police information reasonably believed relevant to the post, but **not** the DBS barred lists.

An enhanced check shall be carried out on Applicants whose work or activities are listed in **both** the Exceptions Order and the Police Regulations.

Standard Check

This will involve checking if the Applicant has any spent or unspent convictions, cautions, reprimands and final warnings. Police information and the DBS barred lists will not be included.



A standard DBS check shall be carried out on Applicants whose work or activities are listed in the Exceptions Order.

7.0 The Current Definition of Regulated Activity with Children (Post September 2012)

The definition of regulated activity relating to children given in Schedule 4 SVGA 2006 comprises 4 categories:

Unsupervised activities:

- Teaching, training, instructing, caring for or supervising children; or
- Advising or providing guidance on physical, emotional or educational well-being; or
- Moderating a public electronic interactive communication service likely to be used wholly or mainly by children; or
- Driving a vehicle solely for children.

Working at specified places where contact with children is likely (this does not include work by supervised volunteers):

- Schools and colleges wholly or mainly for children under 18 years old
- Pupil referral units
- Nursery schools
- Institutions for the detention of children
- Children's homes
- Child centres in England
- Childcare premises (including nurseries)

Activities within these 2 categories must be carried out **frequently** to come within the definition **concerning children**. "Frequently" means carried out by the same person once a week or more often, or on 4 or more days across a 30 day period.

There are 2 other categories of regulated activity with children:

- **Providing personal care for children (such as washing or cleaning) or health care by or supervised by a professional, even if done only once**
- **Registered child-minders and foster-carers**



Family arrangements and personal, non-commercial arrangements are excluded from the definition.

“Supervision” must be:

- Regular
- Day to day
- Reasonable in all the circumstances for protecting the children concerned
- Carried out by someone who is engaging in regulated activity relating to children

A flow chart as to the criteria under the Current Definition is available in **Appendix 7**.

Exemptions From the Definition of Regulated Activity With Children

- The peer exemption applies as an exemption to **any** regulated activity with children - if the worker is in a group assisting, acting on behalf of or under the direction of another person engaging in regulated activity with children, the worker is not carrying out regulated activity with children.

(The worker’s supervisor will need an enhanced check for regulated activity with children.)

Exemptions Concerning Teaching/Supervision of Children

- The worker’s activity relates to a child aged 16-18 years in the course of his employment, not by a person for whom arrangements exist principally for that purpose.
- The activity is incidental to activity with adults

Exemption Concerning Health Care

- The health care is not by, or directed or supervised by a health care professional (a member of a regulatory body in a provided list of health care organisations: see [Part 8](#))

Exemptions Concerning Providing Advice or Guidance To Children

- The advice provided is legal advice
- The worker’s activity relates to a child aged 16-18 years in the course of his employment, not by a person for whom arrangements exist principally for that purpose.



Exemption Concerning Moderating Public Electronic Interactive Communication Services

- The worker does not have access to the content of the matter, or contact with the users

Exemptions Concerning Fostering A Child

- The care is arranged by family members and is not for payment
- The Council can foster a child with a barred person who is, or lives with, a relative of the child

Exemptions Concerning Working At Specified Places

- The worker is contracted, or is volunteering, to provide occasional or temporary services, which do not consist of teaching, training or supervising children
- The worker is working as a volunteer under the day to day supervision of another person engaging in regulated activity
- The child care premises are the home of a parent to at least 1 child to whom the child care or child minding is provided
- The activity is carried out regularly in a number of different establishments, but infrequently in each: each of the establishments will not amount to a regulated activity provider concerning this activity

8.0 The Current Definition of Regulated Activity with Adults (Post September 2012)

The definition of regulated activity with adults is provided in Schedule 4 SVGA 2006. If an adult requires any of the activities listed in this section, the adult shall be considered “vulnerable” at that time.

If a worker carries out an activity listed in this section at any time, he is engaging in regulated activity: there is no requirement for the activity to be carried out a certain number of times.

A flow chart outlining the criteria under the Current Definition is available in **Appendix 7**.



General Points

- Activities carried out by family members or people in a non-commercial relationship are excluded from the definition of regulated activity.
- “Family” includes close family and relationships between 2 people who live in the same household and treat each other as family.
- “Non-commercial relationships” arise where money is not paid for the activity to be provided, or the money that is paid is not paid through a commercial relationship (such as for expenses), and the arrangement is made between friends or family.
- An adult is aged 18 years or more.
- A person whose role is to carry out day to day management or supervision of someone who is engaged in regulated activity is engaged in regulated activity themselves.

There are 6 categories of regulated activity with adults:

Providing Healthcare

Health care provided to an adult by a professional regulated by any of these organisations, or carried out under the direction or supervision of a professional regulated by any of these organisations, amounts to regulated activity:

- General Medical Council
- General Dental Council
- General Optical Council
- General Osteopathic Council
- General Chiropractic Council
- General Pharmaceutical Council
- Pharmaceutical Society of Northern Ireland
- Nursing and Midwifery Council
- Health Professions Council

Health care includes:

- Palliative care (Relieving or soothing the symptoms of a disease or disorder without bringing about a cure)
- Diagnostic tests and investigative procedures
- Procedures similar to medical/surgical care which are not provided in connection with medical conditions, e.g. giving or taking blood, cosmetic surgery
- Psychotherapy and counselling related to the health care the adult receives, including over the telephone. Life coaching is excluded.



- First aid, when the person administering the first aid is acting on behalf of an organisation set up to provide first aid, e.g. St John's Ambulance Service or Community First Responders.

Health care does **not** include the treatment or consultation of:

- Employees who volunteer or are designated as a first aider within the employer's organisation while carrying out their unrelated employment duties
- Peer support groups, e.g. Alcoholics Anonymous, even if staffed by healthcare professionals
- Staff who work in a health care establishment but are not regulated by the professional medical regulators listed above, e.g. receptionists, staff who carry out basic medical tasks.

Providing Personal Care

Anyone who:

- provides physical assistance to an elderly/ill/disabled adult with these functions; or
- prompts and supervises an elderly/ill/disabled adult to carry out these functions; or
- provides training, instruction, advice or guidance to an elderly/ill/disabled adult to carry out these functions:
 - Eating or drinking;
 - Going to the toilet;
 - Washing or bathing;
 - Dressing;
 - Care of the mouth or teeth, skin, hair or nails (cutting the hair of an elderly/ill/disabled adult is **not** regulated activity)

shall be engaged in regulated activity.

Some examples:

- A care assistant who cuts and files an adult's nails because the adult is elderly/ill/disabled and unable to do it themselves would be carrying out regulated activity.
- A beautician who attends a day care centre once a week, offering manicures to anyone who would like one rather than giving them just for people who need them through being elderly/ill/disabled, is not carrying out regulated activity.



- A volunteer who cooks and prepares a meal for an adult without feeding the adult is not carrying out regulated activity.
- A hospital worker who feeds an adult on the ward who is too frail to feed themselves will be in regulated activity.
- A care home worker who reminds a resident with dementia to eat their food and ensures they do is carrying out regulated activity.

Providing Social Work

Regulated social workers' activities concerning clients or potential clients are regulated activities.

Assistance With General Household Matters

Day to day assistance provided to an elderly/ill/disabled adult including at least 1 of the 3 following tasks shall amount to regulated activity:

- Managing the adult's cash;
- Paying the adult's bills; or
- Shopping on behalf of the adult

Assistance With The Conduct Of An Adult's Own Affairs

Anyone providing assistance to an elderly/ill/disabled adult through:

- Lasting or enduring power of attorney under the Mental Capacity Act 2005;
- Being appointed as the adult's deputy under the Mental Capacity Act 2005;
- Being an Independent Mental Health Advocate;
- Being an Independent Mental Capacity Advocate;
- Providing independent advocacy services under the National Health Service Act 2006;
- or
- Receiving payments on behalf of that person under the Social Security Administration Act 1992

is in regulated activity.

Conveying

Drivers who transport elderly/ill/disabled adults to or from places where they are able to receive health care, personal care or social care are carrying out regulated activity.



(Although taxi drivers are excluded from this definition of conveying, they will need to obtain an enhanced check for regulated activity (adults and children) when applying to the Council for a taxi driver licence.)

9.0 The Old Definition of Regulated Activity with Children and Adults (Pre September 2012)

If the role or activity of the Applicant does not come within the Current Definition of regulated activity, the Old Definition that was in place before September 2012 shall be considered. If the Applicant's role comes within the Old Definition, an enhanced check can be requested from DBS, but the DBS's barred lists may not be searched.

One of these 3 sets of criteria must be met:

- The work is of a Specified Nature, e.g. teaching, training, supervising, advice, treatment or transport

AND

Is carried out frequently, intensively and/or overnight – this means once a week for most services, but once a month or more for health and social care services providing personal care, takes place on 4 days in 1 month or more, overnight between 2 and 6 a.m.

OR

- The work is in a Specified Place, e.g. schools, pupil referral units, childcare premises, residential children's care homes, child or adult care homes

AND

Is carried out frequently, intensively and/or overnight – this means once a week for most services, but once a month or more for health and social care services providing personal care, takes place on 4 days in 1 month or more, overnight between 2 and 6 a.m.

AND

The worker is given the opportunity to have contact with children or vulnerable adults through the activity he carries out.

OR



- The work is in a Specified Role – this includes fostering and adoption or “defined office holders” such as Director of Children’s Services, member of a Local Safeguarding Children’s Board, members of Fostering and Adoption Panels, or members of the Council’s committees which are connected with its education or social services function.

In the event the Applicant does not work in a Specified Place, the Applicant would have to be considered against the other 2 criteria. If the Applicant’s role was to work with the general public, involving incidental contact with children or vulnerable adults, a DBS check would not be needed.

Supervisors of staff requiring an Enhanced DBS Check would need such a DBS check themselves.

A flow chart as to the criteria under the Old Definition is provided in **Appendix 8**.

10.0 The DBS Application Process

The Compliance Officer shall arrange for the Applicant to receive a DBS application form. He shall also send the Applicant a DBS list of identity documents (**Appendix 3**), 3 of which must be presented to the Compliance Officer with the completed application form. A photograph of the Applicant, his name, date of birth and current address must appear in the 3 documents the Applicant provides.

The Compliance Officer shall check the Applicant’s identity documents (**originals only** – in accordance with the DBS’s guidance on identity documents, **photocopies will not be accepted**) and the application form. In the event of incomplete identity documents or errors in the application form, the Compliance Officer can send the application back to the Applicant for rectification.

The Compliance Officer shall complete the back page of the application form in his role as the Council’s Lead Counter-Signatory. The completed form shall then be sent to the DBS.

The Compliance Officer shall use the DBS website’s tracking system to check progress being made with the application. The form’s reference number and the Applicant’s date of birth are needed to check this.

The DBS sends the completed certificate (listing any convictions) to the Applicant’s home address. The Applicant shall then present it to HR or in the case of taxi drivers, to the Licensing Officer.



11.0 Job Descriptions

All recruitment shall be in accordance with the Council's Recruitment and Selection Policy. The recruitment advertisement and any supporting information sent to prospective candidates will clearly state that the post is subject to a DBS check.

The Compliance Officer shall compare each job description within the Council against the Current and Old Definition of regulated activity given in SVGA 2006 and the lists of activities and jobs that feature in the Exceptions Order and the Police Regulations to see if a DBS check is needed for that role, and if so, whether it should be standard, enhanced or enhanced with list check. He shall then notify HR of his findings: any disagreements shall be resolved by the Head of Law and Governance.

It will be established whether or not a DBS check is necessary before the job description is advertised.

12.0 Recruitment

General Points

Only the successful candidate shall need to complete a DBS application form. An offer of employment made by the Council can be subject to a DBS check.

The candidate must be informed that an offer of employment can be withdrawn if they knowingly withhold information, or provide false or misleading information. The candidate should also be informed that enhanced disclosures may include non-conviction information that the Police reasonably believe is relevant to the post.

All candidates required to undertake an enhanced DBS check shall be made aware of the DBS Code of Practice.

Early Disclosure of Convictions

People who apply for jobs with the Council which require a DBS check shall be encouraged to disclose any criminal record at an early stage in line with the Council's Recruitment of Ex-Offenders Policy. The information shall only be seen by those that need to as part of the recruitment process. Failure to disclose information directly relevant to the position sought could lead to the withdrawal of an offer of employment.



Recruitment From Overseas

DBS certificates do not record convictions issued abroad. All Applicants appointed to a job requiring a DBS check shall undergo a check regardless of time spent in the UK.

As well as the necessary immigration papers, job applicants who have lived abroad or who have been resident overseas for more than 3 months in the previous 5 years shall need to produce a Statement of Good Conduct or a certificate equivalent to a DBS certificate from the Applicant's country. Statements of Good Conduct can be obtained from the relevant UK embassy or national police force: the Applicant shall be responsible for obtaining this document. The Council shall request that this Statement/certificate is provided where one is required.

HR shall pay particular attention to the other checks, especially those as to identity and qualifications, and shall obtain references from previous employers. Failure to establish criminal record information will not bar an Applicant from working at the Council, but the line manager must take it into account along with other relevant facts, any risk assessment and the duty to protect adults and children.

Failure To Disclose Convictions

Existing staff may be subject to disciplinary action, and possibly dismissal, if they knowingly fail to disclose relevant information in regard to their DBS check or barred list status.

13.0 Post-Recruitment Issues

Inductions

Newly appointed employees, contractors and volunteers shall be made aware of the Council's commitment to safeguarding children and adults in their induction. Training on safeguarding shall be provided to all staff: the Level 1 training course for staff who do not work with adults or children on a regular basis; the Level 2 training course for staff who do.

Working Without a DBS Check

The Applicant may **not** begin working in a role requiring a DBS check until his DBS certificate has been seen by HR and the Head of Service/Line Manager.



Applicants With Adverse DBS Certificates

If the DBS certificate shows convictions which may render the Applicant unsuitable for the post, HR will contact the Line Manager and advise as to the next steps. The Line Manager shall discuss the situation with the Applicant in an interview, where the Applicant shall give an account of the circumstances of the offence(s), any mitigation and the Applicant's efforts to avoid re-offending.

A risk assessment shall be completed by the Line Manager to determine whether the risk of employing the Applicant can be taken or not (**Appendix 4**), and the Applicant shall sign it to verify the information provided. The risk assessment shall see whether the Applicant can be employed if safeguards are put in place: these safeguards and the reasons behind them should be discussed with the Applicant.

Having a conviction shall not necessarily preclude the Applicant from commencing employment: the conviction must be relevant to the role and its duties. The Applicant's rights and interests must be weighed against those of the public as well as the Council's clients and employees.

Factors to consider before deciding whether or not to appoint the Applicant shall include:

- The nature of the offence(s) and its relevance to the post
- The requirements of the role, and the level of supervision the Applicant would receive
- The Council's duties in law
- When the offence was committed and the circumstances involved
- The sentence the Applicant received
- The openness of the Applicant in disclosing the offence in the recruitment process
- The Applicant's efforts to avoid re-offending
- The possibility of safeguards against the Applicant offending at work
- Whether the Applicant's circumstances have changed since the offence, making re-offending less likely

Re-Checking Existing Employees

Changes in legislation, regulations or working practices may require existing employees to undergo a DBS check. Refusal to do this may result in the employee being subject to disciplinary proceedings.



The Council reserves the right to ask existing employees to undergo a DBS check if their actions or activities give cause for concern. Such causes for concern could arise from an employee's failure to disclose previous convictions, or allegations of suspicious or inappropriate behaviour to adults or children. In circumstances of this nature, a full investigation shall be carried out by HR, and a new DBS application may be required.

If a DBS certificate in this re-checking process is deemed unsatisfactory, a full investigation shall be instigated and the employee may be re-deployed or dismissed.

14.0 Validity and Portability of DBS Checks

Validity

The Council will require Applicants whose activities qualify for a DBS check to re-apply for a DBS check every 3 years. In the event of the DBS amending its eligibility criteria (**Appendix 2**), the Applicant's job shall be assessed against the criteria at the time of renewal. The Compliance Officer shall maintain records of the dates of workers' last DBS checks within the Council. He shall send Applicants a new application form and guidance notes before the 3 year period expires.

Applicants may also be re-checked where criminal allegations are made against them in the course of their work.

If an Applicant is cautioned, charged, summonsed or convicted of a criminal offence after his appointment to the role, he should inform his line manager **immediately**. Failure to do so may result in disciplinary action being taken.

Portability

The Council will **not** accept DBS certificates obtained in the course of an Applicant's previous employment.

Contractors and agency staff are not employees of the Council. Their DBS certificates can be used within any organisation in which the Contractor or Agency sets them to work.

Changing Jobs Within The Council

If an Applicant obtains a DBS certificate for a post with the Council, he can use the same DBS certificate if he subsequently moves to a different post within the Council provided:



- The old and new posts both require the same category of DBS certificate, i.e. standard, enhanced or enhanced with barred list check
- The Applicant has not had a break in service of more than 3 months, and
- The new role does not significantly increase the Applicant's responsibility for children or adults or his contact with either group.

A new DBS application shall be made if the Applicant does not meet all three criteria.

15.0 The DBS Update Service and the DBS Tracking System

The Applicant can have his DBS certificate kept up to date and use it from one job to the next within the same workforce (i.e. adults, children or both) where the same type of DBS check is required. This option is available to the Applicant by virtue of the DBS Update Service, for which an annual fee of £13 is required. The Applicant will need the application form reference number or the issued certificate number to join the Update Service (if using the certificate number, the Applicant must register within 14 days of the certificate being issued).

Registering with the Update Service using the application form number can be done online:

<https://secure.crbonline.gov.uk/crsc/apply?execution=e1s1>

There is an option to register using the issued DBS certificate number on the website page that opens.

The Compliance Officer or HR would be able to use the Applicant's current DBS certificate, and (with his permission) carry out a free online check to see if any new information has been added since the certificate was issued.

Progress with DBS applications can be checked via the DBS Tracking System. The Applicant's date of birth and application form number will be needed:

<https://secure.crbonline.gov.uk/enquiry/enquirySearch.do>

16.0 Contractors, Agency Workers and Volunteers

Contractors

The organisation that provides the Contractor to work in a Council post is responsible for obtaining the Contractor's DBS certificate. Checks should be made to ensure that the organisation complies with the Council's safeguarding requirements.



The contractual agreement between the Contractor and the Council should include a term that all contractors who work at the Council have appropriate DBS certificates which are satisfactory, and that they undergo DBS checks every 3 years.

Agency Workers

The recruitment agency is the legal employer of agency workers, and the agency is responsible for obtaining its workers' DBS certificates. When using agency workers, the Head of Service or the line manager should ask to see the DBS certificate of each worker (this must not be more than a year old) or written confirmation that the worker has had a DBS check and has been checked against the barred lists (if applicable).

The contractual agreement between the Agency and the Council should include a term that all agency workers who work at the Council have appropriate DBS certificates which are satisfactory, and that the workers undergo DBS checks once every year.

Volunteers

Volunteers shall apply for a DBS check where the work comes within the definition of regulated activity with adults or children and the activities listed within the Exceptions Order and the Police Regulations. The DBS does not charge a fee for volunteer DBS checks.

The role must come within the DBS's definition of a volunteer for the DBS check to be free of charge:

"A person who is engaged in any activity which involves spending time, unpaid (except for travelling 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."

Students gaining credits towards qualifications, people on work experience and carers must pay for their DBS checks.

17.0 The Council's Duty to Make Referrals to the DBS

The Legal Duty To Refer

Under SVGA 2006, the Council has a legal duty to notify the DBS if an employee, volunteer or contractor:

- Is dismissed or removed from working with adults or children because they harmed an adult or child;



- Is dismissed or removed from working with adults or children because they may have harmed an adult or child otherwise; or
- Would have been dismissed or removed from working with adults or children for either of the previous reasons, but he resigned first.

Failure to notify the DBS of such workers is a criminal offence.

The DBS barring helpline number is 03000 200 190.

The Duty To Refer As A Regulated Activity Provider

Through its provision of regulated activities with children and adults, the Council has a duty to refer all allegations of abuse or misconduct towards a child or adult made against an employee, a volunteer, a contractor or a member of staff of a partner organisation to the DBS.

A referral must meet these criteria:

- The Council withdraws permission for the worker to engage in regulated activity, or would have had the worker not resigned, retired, been made redundant or been transferred to a post which does not amount to regulated activity because the Council believes the worker has:

EITHER engaged in **relevant conduct**, i.e. conduct

- That endangers a child or adult or is likely to endanger a child or adult;
- If repeated against or in relation to a child or adult, would endanger them or would be likely to endanger them;
- Involving sexual material relating to children (including possession of such material);
- Involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to DBS that the conduct is inappropriate;
- Of a sexual nature involving a child or adult, if it appears to DBS that the conduct is inappropriate.

OR - satisfied **the harm test**: where the Council believes that the worker:

- May harm a child or adult,
- May cause a child or adult to be harmed,
- Puts a child or adult at risk of harm,
- Attempts to harm a child or adult, or
- Incites another to harm a child or adult.

OR - received a caution or conviction for a relevant offence.



The Council must gather sufficient evidence through investigations to back up their reasons for refusing to let the worker continue in regulated activity before making a referral to the DBS.

In the event that the Council decides that the worker should receive a formal warning and is returned to working in regulated activities after an investigation, the Council shall still have a duty to make a referral: the worker has (temporarily) had his permission to carry out regulated activities withdrawn by the Council, and relevant conduct/the harm test/conviction has been established.

The Duty To Refer As A Local Authority

If a Council officer is aware of a worker not employed by the Council meeting the criteria for a referral, but no referral has been made, the officer should inform the worker's employer of this, pointing out the legal duty to refer to the DBS.

No Duty To Refer

The Council may make referrals to the DBS even if there is no legal duty to do so. One example would be where insufficient evidence exists as to an individual's guilt of misconduct or abuse, yet serious concerns about the individual remain. Such concerns can be referred to the DBS as behavioural evidence and the DBS might use them as a basis on which to take further action against that individual.

If the Council has evidence of an individual having carried out relevant conduct prior to 12 October 2009, the Council may take the option of making a retrospective referral to the DBS. The Council is not legally bound to do this.

The Duty To Provide Information To The DBS

The DBS is legally entitled to information from regulated activity providers like the Council and personnel providers. This right only extends to information the Council might hold: additional investigations or enquiries need not be carried out.

18.0 Storage, Retention and Disposal of DBS Material

The DBS Code of Practice requires the Council to have a written policy on the secure handling of disclosure information. This is to be found in **Appendix 5**.



19.0 Transgender DBS Applications

The DBS application form requires Applicants to disclose all previous names by which they have been known. The DBS has developed a special application procedure to maintain the confidentiality of transgender people who have undergone gender reassignment who are applying for a DBS check.

If the Applicant has no criminal convictions and the police hold no relevant information, then gender confidentiality will be maintained. If the Applicant does have convictions under their previous gender which are relevant to the position, the Applicant's change of gender will become evident from the conviction data on the DBS certificate showing both gender names.

Further information concerning transgender applications can be obtained from the DBS:

Email: sensitive@db.s.gsi.gov.uk

Telephone: 0151 676 1452

20.0 Review and Monitoring

The Compliance Officer and HR will be responsible for ensuring that this policy is observed by the Council.

It is the responsibility of Line Managers to ensure that their staff receive information and training about this policy, and that the policy forms part of any induction of all new staff who must obtain a DBS check. This shall be included in the training sessions provided by the Safeguarding Officer.

All staff of the Council will adhere to this policy and are responsible for identifying situations when the duty to refer a worker to the DBS arises.

This policy will be reviewed by the Council on a biennial basis. Changes in legislation or guidance from the DBS shall be taken into account in reviewing this policy.

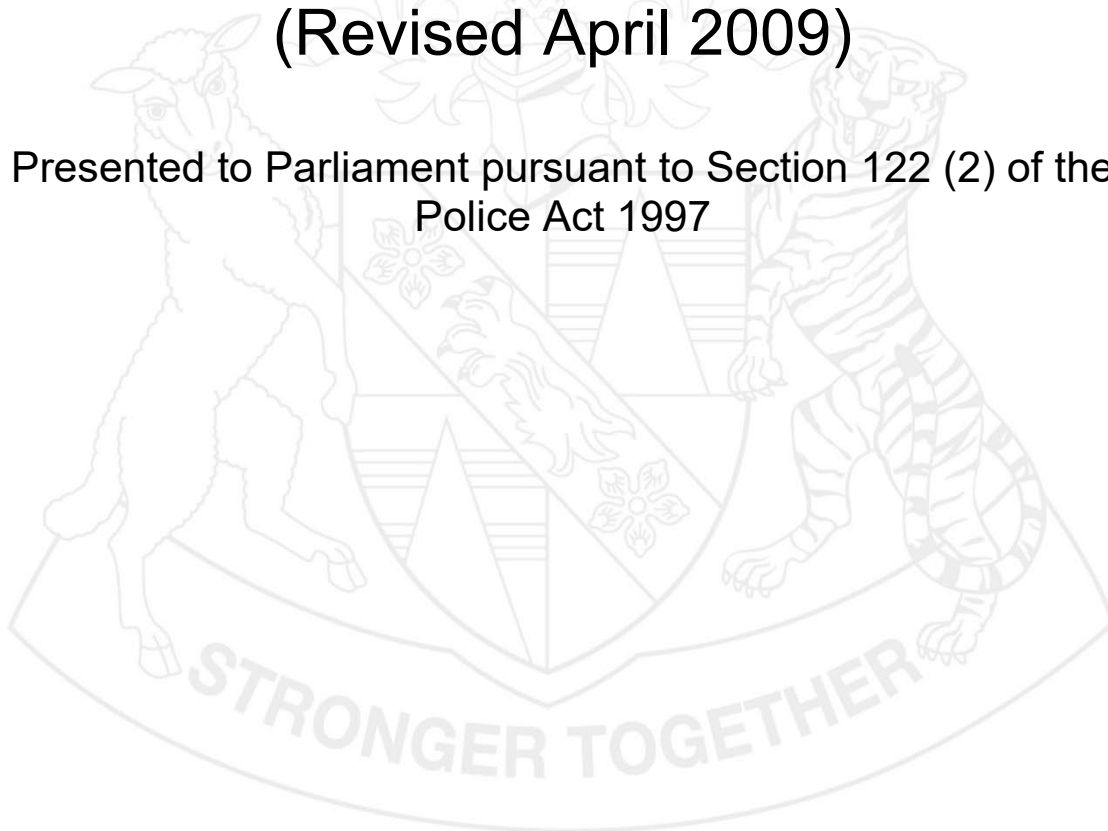


Appendix 1: The DBS Code of Practice

All references to “Criminal Records Bureau”, “CRB”, “Independent Safeguarding Authority” or “ISA” are to be replaced with “Disclosure and Barring Service” or “DBS” respectively.

Code of Practice For Registered Persons and Other Recipients of Disclosure Information (Revised April 2009)

Presented to Parliament pursuant to Section 122 (2) of the
Police Act 1997



CODE OF PRACTICE

INTRODUCTION

This Code is established under section 122 of Part V Police Act 1997 and determines the obligations which govern initial and ongoing registration of Registered Bodies with the Criminal Records Bureau (CRB).

The Code applies to all Registered Bodies and Umbrella Bodies, hereon referred to as Registered Bodies, and their clients. The Code also applies to applications for, and handling of, both Standard and Enhanced Disclosures.

The obligations within this Code are determined by Part V Police Act 1997 and in particular the Police Act 1997 (Criminal Records) (Registration) Regulations 2006. These provisions determine the legal requirements upon persons seeking to register and maintain their registration with the CRB as Registered Bodies.

They address the way in which the CRB will ensure that:

- Organisations are assessed as suitable to receive sensitive Disclosure information
- Organisations do not breach the spirit and requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 by submitting ineligible Disclosure Applications
- Registered Bodies correctly verify the identity of Disclosure applicants to ensure the integrity of all Disclosures issued by the CRB
- Sensitive and personal data contained within the Disclosure is correctly managed and used by Registered Bodies
- The efficiency of the Disclosure Service is maintained by the timely payment of fees and the accuracy of Disclosure Application data
- Registered Bodies treat their applicants fairly when considering sensitive Disclosure information
- Registered Bodies who fail to comply with the obligations within this Code may be suspended or de-registered in order to maintain the overall integrity of the Disclosure Service

The CRB takes seriously its statutory duties relevant to the rehabilitation of offenders, data protection and human rights legislation. It will therefore seek to ensure strict compliance with the Code through the full range of CRB assurance management processes.



This Code applies to all Disclosure information that is information contained within the Disclosure including information provided under the Independent Safeguarding Authority (ISA) scheme when introduced as well as information provided under separate cover.

THE OBLIGATIONS

1 REGISTRATION

Registered Bodies must:

1. Provide sufficient information to the CRB to allow registration to proceed. This includes information on the organisation's status, the suitability of proposed countersignatories and the purposes for which registration is requested
2. Demonstrate that they are likely to countersign and submit applications for relevant positions and employment
3. Demonstrate that they are likely to submit the minimum annual number of Disclosure applications determined by the CRB
4. Provide up-to-date information to the CRB as required in respect of the registration information and countersignatories
5. Provide information on their organisation and nominated Lead and countersignatories as and when required by the CRB to determine suitability for initial and ongoing registration with the CRB
6. Give access to CRB officials to official premises, data and documentation as and when reasonably required by the CRB to determine suitability for ongoing registration
7. Submit Registration and Disclosure applications in the prescribed format
8. Ensure that Disclosure applications are completed accurately and that all mandatory data fields are completed in full
9. Ensure that any electronic application system complies with CRB specifications as stipulated

2. IDENTITY VERIFICATION

Registered Bodies must:

1. Accurately and comprehensively verify the identity of the applicant prior to the submission of a Disclosure application



2. Ensure that any person undertaking identity verification checks on their behalf is suitable and trained accordingly

3. MANAGEMENT AND USE OF DISCLOSURE INFORMATION

Registered Bodies must:

1. Have a written policy on the secure handling of Disclosure information which, in the case of Umbrella Bodies, should be made available to their clients
2. Store Disclosure information securely
3. Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where CRB agreement is secured
4. Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the CRB or as a result of a stipulated requirement relating to the e-channel service
5. Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes
6. Dispose of Disclosure information in a secure manner
7. Ensure that Additional Information, including information as to its existence, is not revealed to the Disclosure applicant and is disposed of in the appropriate manner and at the appropriate time
8. Ensure that they comply with CRB guidance on the portability of Disclosures and their contents

4. SUITABILITY POLICY

Registered Bodies must:

1. Have a written policy on the suitability of ex-offenders that is available upon request to potential applicants and which, in the case of Umbrella Bodies, should be made available to their clients
2. Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure
3. Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision



4. Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment

5. Provide a copy of the CRB Code of Practice to the applicant upon request

5. PAYMENT AND FEES

Registered Bodies must:

1. Pay the prescribed registration fee before registration may proceed

2. Pay countersignatory fees within the prescribed period

3. Pay all subsequent Disclosure fees within the prescribed period

4. Pay all fees related to Disclosure applications submitted after any decision by the CRB to suspend registration or deregister the organisation

5. Publish all fees associated with Disclosure applications in relevant documentation

6. Notify the CRB in writing of any change to the fees associated with Disclosure applications

6. ELIGIBILITY

Registered Bodies must:

1. Use all reasonable endeavours to ensure that they only submit Disclosure applications in accordance with the Disclosure eligibility criteria for relevant positions or employment

2. Correctly apply the CRB definition of a volunteer to assert eligibility for free-of-charge Disclosures

7. ASSURANCE AND COMPLIANCE

Registered Bodies and their clients must co-operate in full with the CRB Registration Management Team enquiries, audits and investigations in seeking to:

1. Determine eligibility for initial registration with the Disclosure Service in accordance with the prescribed processes and criteria

2. Ensure ongoing compliance of Registered Bodies with the obligations under this Code by undertaking assurance audits on a regular basis in accordance with the prescribed processes and criteria



3. Implement the suspension or de-registration of a Registered Body where non-compliance is established in accordance with the prescribed de-registration processes and criteria

8. OFFENCES

Registered Bodies must note that it is an offence to:

1. Disclose information contained within a Disclosure to any person who is not a member, officer or employee of the Registered Body or, in the case of Umbrella Bodies, their client unless a relevant legal exception applies
2. Disclose information to any member, officer or employee where it is not related to that employee's duties
3. Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain, a Disclosure

Persons guilty of such offences are liable to deregistration, imprisonment or a fine unless a relevant exception applies as outlined in CRB Guidance.

GUIDANCE

Each of the obligations of this Code is supplemented by detailed Guidance available on the CRB website at www.crb.gov.uk.

This Guidance will be updated on a continual basis to ensure that it reflects the reality of CRB operations and the needs of Registered Bodies.

Significant changes to the Guidance will be notified to Registered Bodies as required.

FUTURE DEVELOPMENTS

The CRB anticipates significant developments in its service delivery within the coming three year period. These will include:

- The establishment by the Department of Children, Schools and Families of the Independent Safeguarding Authority which will allow for the continual monitoring of persons suitability to work within the children and vulnerable adults sectors
- The development of e-delivery channels for access to the CRB Disclosure Service, including e-applications and the extension of online tracking



Both of these developments will impact on the role of Registered Bodies in regards to the format, content and secure handling of the information they receive as part, or associated with, the Disclosure Service.

CRB CODE OF PRACTICE

GLOSSARY OF TERMS

Additional Information (Enhanced Disclosures Only) - In a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Countersignatory. Please note the applicant's copy of the Disclosure will not refer to this information. Therefore this information must **not** be shared with the applicant.

Where the police issue a separate letter, the Countersignatory's copy of the Enhanced Disclosure will contain the following words 'Please refer to letter sent under separate cover', printed under the '*date of issue*' on the Disclosure.

Approved Information (Enhanced Disclosures Only) - This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicant's and the Countersignatory's copy.

Assurance Audits - Used to determine the level of compliance of Registered Bodies focussing on ID validation and data quality. It takes the form of a self-assessment questionnaire that must be completed by Lead Signatories.

Where areas of non-compliance have been identified, they are addressed in a detailed report to the Lead Signatory, and in some cases a Compliance Visit to the organisation may also take place for further examination of their internal processes.

Counter-signatory - A person within a Registered Body who is registered with the CRB to countersign applications and receive the Disclosure.

Criminal Records Registration Regulations 2006 - Conditions set by CRB which must be met in order to maintain registration status.

Disclosure - The term that is used to describe the service provided by the CRB and the document issued to the applicant and Registered Body when a CRB check has been completed.

Exceptions Order 1975 - The Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 sets out those occupations and positions exempt from the provisions of the ROA. These are generally positions of trust, where there is a valid need to see a person's full criminal history in order to assess their suitability for a position. This information is intended as general guidance only. It must not be regarded as a definitive interpretation of the Act. Anyone requesting further guidance should seek legal advice.



Enhanced Disclosure - Also referred to as an Enhanced check. These are for posts that involve a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.

This level of check involves an additional level of check to those carried out for the Standard CRB check - a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced check.

Exempted Question - An exempted question is a valid request for a person to reveal their full criminal history (including spent convictions) and is made possible by virtue of the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974.

Independent Safeguarding Authority (ISA) - The ISA have been created to help prevent unsuitable people from working with children and vulnerable adults by working in partnership with the Criminal Records Bureau (CRB), gathering relevant information on every person who wants to work or volunteer with vulnerable people.

Identity Verification Checks - A process that Registered Bodies undertake to check and validate the information provided by the applicant on the application form.

Lead signatory - A senior figure within a Registered Body who has overall responsibility for the use of the CRB checks in their organisation.

Online Tracking - Facility than can be used on the CRB website to track an application by providing the form reference number and date of birth.

Part V Police Act 1997 - The piece of legislation that brought about the CRB.

Personal Data - Data which relates to a living individual who can be identified from that data.

Sensitive Data – Data which includes:

- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Physical or mental health or condition
- Sexual life
- Offences (including alleged offences)

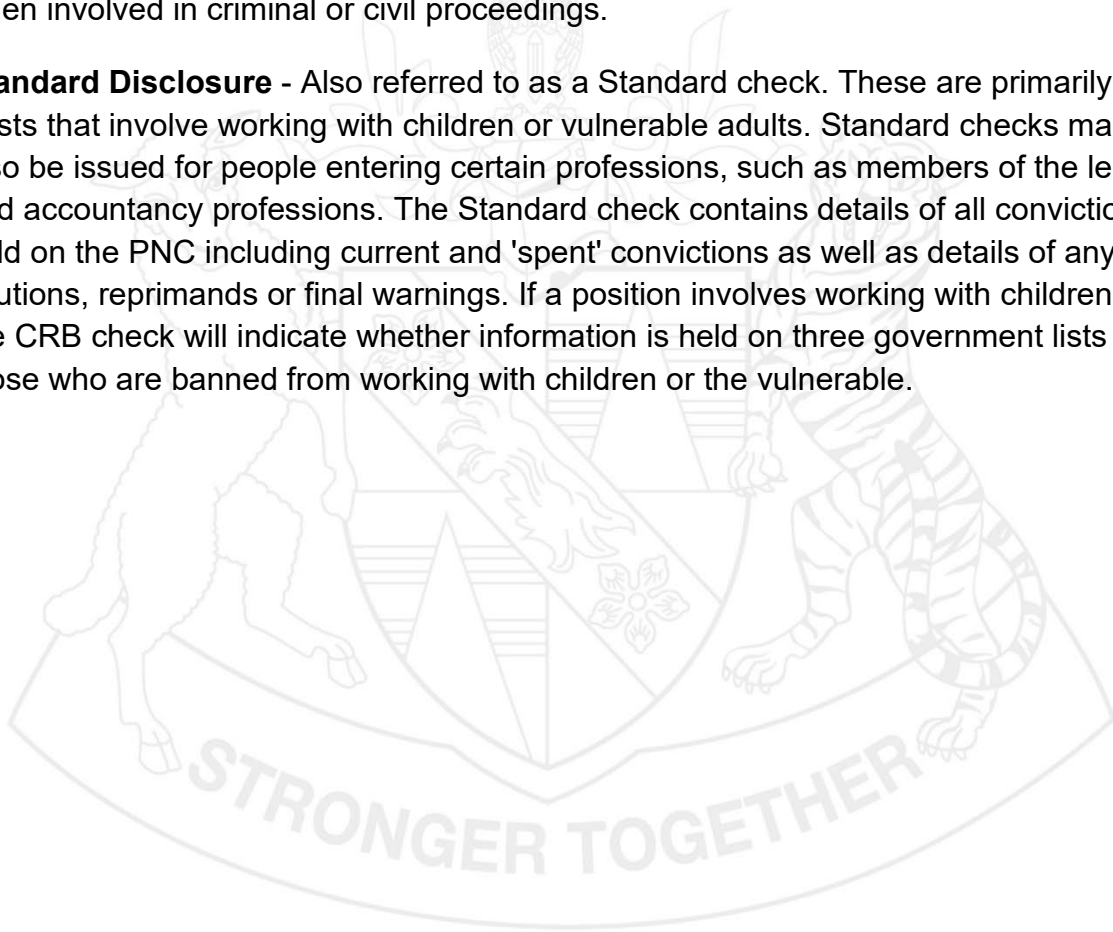


Portability - Portability refers to the re-use of a CRB Disclosure, obtained for a position in one organisation and later used for another position in another organisation. This practice is no longer endorsed by the CRB due to the risks factors involved.

Registered Body - Organisations that have registered directly with the CRB to use its services.

Rehabilitation of Offenders Act (ROA) 1974 - The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

Standard Disclosure - Also referred to as a Standard check. These are primarily for posts that involve working with children or vulnerable adults. Standard checks may also be issued for people entering certain professions, such as members of the legal and accountancy professions. The Standard check contains details of all convictions held on the PNC including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. If a position involves working with children, the CRB check will indicate whether information is held on three government lists of those who are banned from working with children or the vulnerable.



Appendix 2: The DBS Guide to Eligibility for DBS Checks (April 2016)

The Disclosure and Barring Service (DBS) carries out criminal record certificates for specific positions, professions, employment, offices, works and licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) regulations.

Individuals and the self-employed cannot apply for a check directly to the DBS.

A DBS certificate will be requested as part of an organisation's pre-recruitment checks following an offer of employment, including volunteering roles and applications for specific licences. If you have been asked to apply for a check, or provide a DBS certificate and are unsure how to obtain one, please speak to the organisation making the request.

DBS remove certain specified old and minor offences from DBS certificates in line with legislation introduced in May 2013. Please note, because of changes to legislation the reference numbers in the Annex have been amended and will be subject to further changes in the future.

Legal Responsibilities

Before an organisation considers asking a person to apply for a criminal record check through DBS, they are legally responsible for ensuring that they are entitled to submit an application for the job role. This means that if you are a countersigning officer you must satisfy yourself that the position is eligible under the current legal provisions before you countersign each application form.

The Annex describes the most commonly submitted positions and duties that are known as the exceptions to the Rehabilitation of Offenders Act 1974. It should be noted that this is not an exhaustive list.

Levels of criminal record check available

- 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 1975.
- 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 adult's barred list check(s)** – To be eligible to request a check of the children's or adult's barred lists, the position **must** be eligible for an enhanced level DBS check as above **and** be specifically listed in the Police Act 1997 (Criminal Records) Regulations as able to check the barred list(s).

You can access the various Police Act 1997 (Criminal Records) Regulations by searching for them on Legislation.gov.uk. This will not provide a list of job roles – such a list does not exist. Instead each Regulation can be opened to identify what roles, duties or activities have been included from the date that the Regulation was brought in. It is important to note that the Regulations can also remove roles, duties or activities.

It is important to note that a DBS check does not provide evidence of a person's right to work in the UK. You may also need to complete a right to work check on a person to make sure they can work in the UK.

Application eligibility enquiries

If you have submitted an application form for a criminal record check through DBS following a request from a current or prospective employer/voluntary organisation but are unsure that the position you have applied for is eligible for a criminal record check, you can contact us to investigate.

Please send an email to DBS Customer Services: customerservices@dbsgsi.gov.uk with the title Application Eligibility Enquiry – Urgent giving your full name, date of birth, the name of the organisation who asked you to get or provide a DBS certificate, details of the position applied for, and the form application number as well as the reasons why you are unsure that your position is eligible.

To carry out a full investigation into the eligibility of your position we may have to contact the organisation concerned to ask them to explain their reasons for requiring you to submit a DBS application. If you provide your consent, we can refer to your specific application to enable us to discuss the eligibility issue with the organisation. However, we can also contact the organisation to discuss the submitted application without reference to your enquiry if you would prefer.

You have the right to request the DBS to prevent the processing of this application under the Data Protection Act 2018; However, we cannot guarantee that we will be able to stop the application before it is issued as it may have already reached the certificate printing stage.

Using the Annex

This Annex has been designed for use in conjunction with legislation.



We use the numbers in the Annex as a reference point for dealing with enquiries about eligibility. If your organisation is contacted to confirm eligibility for a position, you must provide full details of the job role and explain how the relevant legislation supports the eligibility of the position applied for. It is not sufficient to provide the reference number without supporting evidence.

The Annex will not advise whether any specific role must have a DBS certificate. Any mandatory requirements will exist in legislation and guidance specific to your employment sector and you will need to explore this independently.

The Annex will not advise what level of criminal record check any specific role is eligible for. This can be established by referring to the Police Act 1997 (Criminal Records) Regulations referred to previously.

If you remain unsure about whether a position in your organisation is eligible for a criminal record through DBS, you may want to consider obtaining legal advice. You can also email our Customer Services team for further advice; please include the job specification and the roles and duties of the position. DBS Customer Services may not always be in a position to provide you with a definitive answer about eligibility but will provide you with references to help you to make an informed decision about the role.

Your responsibility is to ensure that the decision that eligibility for a criminal record check through DBS exists is based on the legislation that enables the check to be carried out for the activities and duties of the specific position.

From June 2013 you have been required to complete the DBS application form indicating which workforce the applicant will be working in. We have produced guidance to assist you with this.

You may find the following websites useful:

[The Department for Education](#)

[The Department of Health](#)

[Ofsted](#)

[Care Quality Commission](#)



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Any work which is currently defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006	01
Any work defined as “work with children” in regulation 5C of the Police Act 1997 (Criminal Records) Regulations 2002	02
Any work defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006	03
Any work defined as “work with adults” in regulation 5B of the Police Act 1997 (Criminal Records) Regulations 2002	04
Any office or employment which is concerned with: <ul style="list-style-type: none"> • the provision of care services to vulnerable adults; or • the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services	05
Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children	06
Healthcare Professional (regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002) – on entry into the profession only	07
Barrister (in England and Wales), solicitor – on entry into the profession only	08
Chartered accountant, certified accountant – on entry into the profession only	09
Veterinary surgeon – on entry into the profession only	10
Actuary – on entry into the profession only	11
Registered foreign lawyer – on entry into the profession only	12
Chartered Legal Executive or other Chartered Institute of Legal Executive (CILEX) authorised person – on entry into the profession only	13



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Judicial appointments	14
The Director of Public Prosecutions and any office or employment in the Crown Prosecution Service	15
Designated officers for: <ul style="list-style-type: none"> • magistrates' courts • justices of the peace • local justice areas • justices' clerks • assistants to justices' clerks 	16
Persons employed for the purposes of assisting constables of a Police Force established under any enactment	17
Any employment within the precincts of: <ul style="list-style-type: none"> • a prison • a remand centre • a removal centre • a short term holding facility • a detention centre • a Borstal institution • a young offenders institution • members of boards of visitors (England & Wales) 	18
Traffic wardens	19
Officers of providers of Probation services as defined in section 9 of the Offenders Management Act 2007	20
Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties	21
Financial Services position – This means all positions for which the Financial Conduct Authority (previously the Financial Services Authority) or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000	22



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Those working within an Authorised Payment Institution as: <ul style="list-style-type: none"> • Directors and managers • Holders of qualifying holdings • Controllers of the Authorised Payment Institution 	23
Any employment in the Royal Society for the Prevention of Cruelty to Animals (RSPCA) where the person employed or working, as part of his duties, may carry out humane killing of animals	24
The Commissioners for Her Majesty's Revenue and Customs (HMRC) and any office or employment in their services	25
The Director and any office or employment in the Revenue and Customs Prosecutions Office	26
Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet	27
An individual designated under section 2 of the Traffic Management Act 2004 – those who can take over police functions working as on-road traffic operations staff	28



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
<p>The following Court Positions:</p> <ul style="list-style-type: none"> • Judges' clerks, secretaries and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981 (c) • Court officers and court contractors who, in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges' lodgings • Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary • Court officers and court contractors who, in the course of their work, attend either the Royal Courts of Justice or the Central Criminal Court • Court security officers and tribunal security officers • Court contractors who, in the course of their work, have unsupervised access to courthouses, offices and other accommodation used in relation to the courts • Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals • Court officers and court contractors who exercise functions in connection with the administration and management of funds in court, including the deposit, payment, delivery and transfer in, into and out of any court of funds in court, and regulating the evidence of such deposit, payment, delivery or transfer, and court officers and court contractors who receive payment in pursuance of a conviction or order of a magistrates' court 	29



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
<p>The following persons:</p> <ul style="list-style-type: none"> • Court officers who execute county court warrants • High Court enforcement officers • Sheriffs and under-sheriffs • Tipstaffs • Any other persons who execute High Court writs or warrants who act under the authority of a person listed at (a) to (d) • Persons who execute writs of sequestration • Civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980 • Persons who are authorised to execute warrants under section 125B (1) of the Magistrates' Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125 (2) of the 1980 Act • Persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d) 	30
Individuals seeking to carry, acquire or transfer prohibited weapons or ammunition under section 5 of the Firearms Act 1968(c) – Maritime armed guards	31
A regulated immigration adviser who provides immigration advice or immigration services under Section 82(1) of the Immigration & Asylum Act 1999(a). This also applies to persons who act on behalf of and are under the supervision of such a registered person	32
<p>Any employment or other work where the normal duties:</p> <p>a) involve caring for, training, supervising, or being solely in charge of persons aged under 18 serving in the naval, military or air forces of the crown; or</p> <p>b) include supervising or managing a person employed or working in a capacity referred to in paragraph (a)</p>	33
Registration as a childminder agency	34
Any employment or office involved in the management of a childminder agency	35
<p>A person working for a childminding agency who is required to enter day care or childminding premises for quality assurance purposes and, in the course of their normal duties, has</p> <ul style="list-style-type: none"> • Contact with the children there; or • Access to sensitive or personal information about the children there 	36



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
A person living at the premises where a childminding or day care service is provided or who regularly works on the premises at a time when the childminding takes place	37
A person living in the same household as a person whose suitability is being assessed to work in <ul style="list-style-type: none"> • Regulated activity with children • Would have been regulated activity with children before 10 September 2012 • An FE institution or 16-19 Academy where the normal duties of that work involve regular contact with children and who lives on the same premises where the work would normally take place	38
Applications for prospective adopters, special guardians or anyone who lives in the adoption or special guardian household in England and Wales	39
Applications for prospective foster carers, prospective private foster carers or anyone who lives in the fostering household in England and Wales	40
Any employment or work in <ul style="list-style-type: none"> • A children's home • A residential family centre 	41
Any employment or work for the purposes of <ul style="list-style-type: none"> • An adoption service • An adoption support agency • A voluntary adoption agency • A fostering service • A fostering agency Which is of such a kind as to enable a person, in the course of his normal duties, to have contact with children or access to sensitive or personal information about children	42
Individuals seeking authorisation from the Secretary of State for the Home Department to become authorised search officers	43
For the award of public works contracts, public supply contracts and public service contracts in accordance with the Public Contract Regulations 2015 and the Utilities Contracts Regulations 2016	44
Football Stewards, supervisors or managers of football stewards	45



Positions, Professions, Employment, Offices and Works included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Approved Legal Services Body Manager	46
CILEx approved manager	47
Those working for Alternative Business Structures as: <ul style="list-style-type: none"> • Head of Finance and Administration of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Head of Legal Practice of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Owners of a licensed body approved under schedule 13 of the Legal Services Act 2007 	48
Any employment or other work which is normally carried out in premises approved under section 9 of the Criminal Justice and Court Services Act 2000	49
Any office or employment which relates to the purpose of National Security	50
Any person who has applied to be granted membership of the Master Locksmiths Association	51
The Commissioner for Older People in Wales, his deputy and any people appointed by the Commissioner, to assist him in the discharge of his functions or authorised to discharge his functions on his behalf	52
Commissioners for the Gambling Commission and any office or employment in their service	53
Police and Crime Commissioners	54
Any employment or other work in England and Wales regarding counter-fraud, investigation and security management in the National Health Service (NHS)	55

Licences eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
For Taxi Driver and Private Hire Vehicle licensing purposes	56
For National Lottery licensing purposes	57



Licences eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
For licences issued under Section 25 of the Children & Young Persons Act 1933 (This relates to persons under the age of 18 travelling abroad for the purpose of performing or being exhibited for profit)	58
For licences issued under Section 8 of the Private Security Industry Act 2001	59
For obtaining or holding a personal or operating licence under Part 5 or Part 6 of the Gambling Act 2005	60
For obtaining or holding a licence under regulation 5 of the Misuse of Drugs Regulations 2001, article 3(2) of Regulation 2004/273/EC (b) or article 6(1) of Regulations 2005/111/EC(c)	61



Appendix 3: DBS Identification Checking Guidelines

Introduction

The applicant must provide a range of ID documents as part of the DBS application process. Registered Bodies must:

- follow the three route ID checking process as outlined in the guidance using the list of groups 1, 2a and 2b documents.
- check and validate the information provided by the applicant on the application form/continuation sheet.
- establish the true identity of the applicant through the examination of a range of documents as set out in this guidance.
- ensure that the applicant provides details of all names by which they have been known.
- ensure that the applicant provides details of all addresses where they have lived in the last five years.
- ensure that the application form is fully completed and the information it contains is accurate.

If there are any discrepancies in the information provided by the applicant and/or the identity documents supplied, and fraud is not suspected, please seek clarification from the applicant. Failure to do this may compromise the integrity of the DBS service and introduce risk into your recruitment or licensing arrangements.

Registered Bodies must not attempt to amend the application form without the applicant's knowledge and agreement, as it will invalidate the declaration by the applicant and may breach data protection legislation.

Please note that:

- you must only accept valid, current and original documentation.
- you must not accept photocopies.
- you must not accept documentation printed from the internet e.g. internet bank statements.
- Identity information for the applicant's name, date of birth and address recorded in section A and section B on the DBS application form must be validated.
- you should in the first instance, seek documents with photographic identity (e.g. passport, new style driving licence, etc.) and for this to be compared against the applicant's likeness.
- all documents must be in the applicant's current name as recorded in section A (see below for guidance on recent changes of name).
- one document must confirm the applicant's date of birth as recorded in section A.
- you must ensure that the applicant declares all previous change of name, and provides documentary proof to support the change of name.



If the applicant is unable to provide proof to support the change of name, you should hold a probing discussion with the applicant about the reasons why before considering validating their identity.

- you must see at least one document to confirm the applicant's current address as recorded in Section B, in accordance with the guidance.
- you must provide a full and continuous address history covering the last five years. Where possible you should seek documentation to confirm this address history.
- you should cross-match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their Curriculum Vitae (CV). This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last five years, but the application form only shows London addresses, you may wish to question the applicant further about this.
- a document from each of the groups should be included only once in the document count (e.g. do not accept two bank statements as two of the required documents, if they are from the same bank).
- you should not accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.

The documents needed will depend on the route the application takes. The applicant must try to provide documents from Route 1 first.

When applying for Lead or Countersignatory status, at least one document must show the applicant's signature.

What process should I follow to check an applicant's ID?

You should follow the three routes as outlined below.

Route One

All applicants must initially be considered for route one.

Can the applicant produce a group 1 document? If yes, then the applicant must produce 3 documents:

- 1 document from group 1 (**refer to list of valid identity documents**); and
- 2 further documents from group 1, 2a or 2b; one of which must verify their current address.

If the applicant has satisfied this route, then the document check is complete. If the applicant cannot produce a group 1 document then go to route two.

NOTE – EEA Nationals (Non-UK):

Where an EEA National has been resident in the UK for five years or less, the Registered Body should validate identity via route one through the checking of a current Passport or current UK Driving Licence (photo card only) plus 2 further documents.



In the absence of a group 1 document the Registered Body must satisfy themselves of a valid reason for using route two.

NOTE - Non-EEA Nationals:

All Non-EEA Nationals should be validated via **route one only**.

Route Two

The applicant must produce:

- 3 documents from group 2 consisting of; 1 document from group 2a; **and**
- 2 further documents from group 2a or 2b; one of which must verify their current address. **and**
- The organisation conducting the ID check will then need to ensure an appropriate external ID validation service is used to check the applicant against their records to establish the applicant's name and living history footprint.

If you have tried to use route two, but have been unable to validate the applicant's identity successfully, you may consider proceeding to route three.

Please be advised that route three should only be used in circumstances once you have fully explored with the applicant why their identity has not been successfully validated via routes one or two. To do this, you should hold a probing discussion with the applicant about the likely reasons why their identity has not been validated **before** considering using route three. You should keep a record of this discussion for internal purposes as it is the Registered Body's responsibility to establish the true identity of the applicant through the examination of a range of documents as set out in this guidance.

Should you still be unable to validate the applicant's identity using routes one, two or three, then you should indicate this on the application form at Box W59 and return the form to the DBS.

The applicant will then need to be sent for fingerprinting by the Police, which you should be aware is likely to cause delay to the DBS application process and subsequently to your recruitment processes.

Route Three

ALL Registered Bodies must have exhausted route one and should have endeavoured to have accessed an external validation check (route two) before you consider processing them through route three.

If the applicant cannot meet the requirements of Route one and two, you should have had a probing discussion with them to establish why they could not meet these requirements and whether there has been a recent or previous change of name that has **not** been declared.



For route three, the applicant must produce:

- Birth certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable) **and**
- 4 further documents from group 2 consisting of:
 - 1 document from group 2a; **and**
 - 3 further documents from group 2a or 2b; one of which must verify their current address.

If the applicant fails to produce the required document set at route three, they will need to be sent for fingerprinting by the Police which you should be aware is likely to cause delay to the DBS application process and subsequently to your recruitment processes.

What if I cannot establish the applicant's ID using one of the three routes?

If you or your ID checker cannot establish an applicant's identity in accordance with DBS ID guidelines then you should mark W59 on the application form with a **NO**.

Applicants who are unable to provide the required documents will then be asked to give their consent to have their fingerprints taken in line with the current procedure. Registered Bodies should be aware that this will require attendance by the applicant at a Police station at an appointed time, and may add delay to the overall application process.

Documents the applicant must provide:

Group 1: Primary identity documents Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart where one is issued	UK/Isle of Man/Channel Islands and EU (full or provisional) (Please note some European countries do not issue counterparts) All licences must be valid in line with current DVLA requirements
Birth certificate – issued within 12 months of birth	UK and Channel Islands – including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands



Group 2a: Trusted government documents	Notes
Document	
Current driving licence – photo card (where a counterpart has been issued but no counterpart is presented)	All countries (full or provisional) All licences must be valid in line with current DVLA requirements
Current driving licence – paper version	UK/Isle of Man/Channel Islands and EU (full or provisional). All licences must be valid in line with current DVLA requirements
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership 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	Notes	Issue date and validity
Document		
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 up 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 Department for Work and Pensions, 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 and Channel Islands	Must still be valid



Group 2b: Financial and social history documents Document	Notes	Issue date and validity
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

External validation service

What is an external ID validation check?

An external ID validation check is an alternative way of verifying the identity of an applicant. It will involve you providing an applicant's details (as presented on the application form) to your chosen supplier, who will compare the data you have obtained from the applicant against a range of independent, external data sources. For the purposes of accessing DBS's services we request that Registered Bodies pursue a check that is aligned to the following standard:

- LEVEL 2 (Remote) – as detailed in 'HMG's Minimum Requirements for the Verification of the Identity of Individuals/Version 2.0/January 2003'.

This document was produced by The Cabinet Office and provides guidelines for verifying the identity of individuals, prior to granting access to government services. A 'Level 2 (Remote)' check provides **substantial assurance** that the registrant's real world identity is verified.

It is important to note that standards set out within 'HMG's Minimum Requirements' are widely acknowledged within the ID checking industry.

Countersignatories will not be required to have any in-depth knowledge of what a 'Level 2' check involves. Those organisations that provide the check will be in a position to give an assurance that they comply with the standards described within the guidance.

How can I access an external ID validation check?

There are a large number of suppliers that may be able to perform a check for you to the required standard. We would recommend that Registered Bodies begin their enquiries by performing an internet search e.g. UK search for 'Identity Validation'.

We are aware that Call Credit Group, Equifax, Experian, and GB Group are working towards the provision of ID validation services tailored for DBS purposes.

Registration to access an external ID validation service may differ for each supplier. We would encourage you to discuss your requirements with more than one supplier to gain access to checks in the most appropriate way for your organisation and to agree charges.



How do I decide whether an applicant has passed or failed an external ID validation check?

You should specify when sourcing a potential ID validation supplier that a 'PASS/FAIL' decision is required as part of the check that you request.

Dependent on the result, you will then either authenticate the applicant or consider moving to route three of the process.

Easy five-step guide to accessing an external ID validation check

The following provides general information on how to access a suitable external ID validation check. This is provided as a guide and is not exhaustive.

Step 1

Research suppliers that provide an ID validation service (i.e. through use of an internet search engine – entering wording like 'ID verification' should return a number of supplier's websites). You should read the general information provided by these suppliers regarding the type of services they provide before deciding whether to contact them.

Step 2

Once you have identified a suitable supplier, you should make contact using the telephone number or email address provided on their website. Use the following requirements in your discussions to ascertain whether the supplier can provide an ID check that is suitable for DBS purposes:

We require an ID validation check which:

- complies with the standards set out in Level 2 (remote) of 'HMG's Minimum Requirements for the Verification of the Identity of Individuals/Version 2.0/January 2003'.
- provides a straightforward PASS/FAIL result (some suppliers may return a score or a percentage, neither of which are acceptable).
- provides a hard copy or printable result page.

Step 3

If the ID validation supplier can meet the above requirements; you should then gather further information by asking questions such as:

- can you perform this type of check now, or is the service still in development?
- how much will it cost?
- how do I register with you?
- what are the payment methods and processes?
- what are your terms and conditions?

Step 4

You may wish to contact a number of ID validation suppliers to establish which is best suited to your requirements.



Step 5

Start conducting external ID validation checks on applicants to establish their identity.

The process of accessing an external ID check supplier should only need to be conducted once. Once you have identified a suitable supplier there should be no need to source an alternative, unless you decide the service is unsatisfactory.

What if the applicant has been adopted?

Registered Bodies should inform applicants that if they were adopted before the age of 10, they do not need to provide their surname at birth in section A of the DBS application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

The DBS paper application form can only hold three name changes, what do I do for applicants who have changed their name more than three times?

In these instances, you must return a continuation sheet with the application form.

How can I check driving licences?

Do not accept licenses, other than those stated in the list of valid identity documents. English, Welsh and Scottish driving licence numbers contain information about the applicant's name, sex and date of birth. This information is written in a special format but can be gleaned and matched against the information provided by the applicant in Section A.

Please note that the date of birth on English, Welsh and Scottish driving licences, issued before 1977, is not recorded as a separate entry on the licence. The date of birth can be deciphered from the driving licence number and checked against the date of birth field on the application form.

For example the format of the number for Christine Josephine Robinson, born 2 July 1975

ROBIN757025CJ99901

NNNNNYMMDDYIICCC C

- N = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).
- Y = YEAR of birth.
- M = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes or if born in February (i.e. 02) would display '52').



- D = DAY of month of birth.
- I = Initial letter of the first two forenames - if only one, then 9 will replace the second letter. If the licence indicates that the applicant has a middle name, ensure that one has been provided in Section A.
- C = Computer generated.

Please note, for Northern Ireland; Isle of Man and Jersey driving licences the licence number is in a different format. The licence number is unique to the driver and the 'name' or 'date of birth' validation, as shown above, cannot be used.

What should a Registered Body do if they suspect false identity or documents?

If you suspect that you have been presented with a false identity or documents at the time of application, do not proceed with the application process.

- To report suspected identity fraud see the Action Fraud website
- For further information on identity fraud visit the Metropolitan police website
- If you suspect identity fraud once a DBS check has been submitted, you must contact the DBS.

You are also advised that under Section 8 of the Asylum and Immigration Act 1996 all employers in the United Kingdom are required to make basic document checks to help prevent anyone from working illegally. By carrying out checks employers will be able to establish a defence for themselves if any of their employees are found to be working illegally at a later date.

Further details are available on the UK visas and immigration website and the employer helpline on 0845 010 6677.

The following guidance applies to individuals applying for a DBS check and those applying for Lead or Countersignatory status.

How do I check for indicators of fraud?

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially in the areas of personal details such as the name and the photograph. The following guidelines should help you look out for any suspicious signs when authenticating documents.

Checking a passport

Check the general quality and condition of the passport. Treat it with suspicion if it is excessively damaged; accidental damage is often used to conceal tampering. Photographs should be examined closely for signs of damage to the laminate or for excessive glue or slitting of the laminate; these signs would indicate photo substitution. If the photograph appears excessively large, this might indicate an attempt to hide another photograph underneath. There should also be an embossed strip embedded into the laminate, which will catch a portion of the photograph.



Check there is no damage to this area. If the passport is from a foreign national, you can still follow the same general procedures as above.

Her Majesty's Passport Office has produced a guide to be used when checking passports for identification.

Checking a photo driving licence

Examine the licence for evidence of photo tampering or any amendment of the printed details.

Checking an old style driving licence (no photograph)

Remove the document from the plastic wallet and check that it is printed on both sides. It should have a watermark visible by holding the licence up to the light and there should be no punctuation marks in the name or address. The 'Valid To' date should be the day before the bearer's 70th birthday (unless the bearer is already over 70). The 'Valid To' date can therefore be cross-referenced with the applicant's date of birth detailed in Section A.

Checking a birth certificate

Birth certificates are not evidence of identity, and are easily obtained. Although certificates issued at the time of birth may give more confidence that it belongs to the individual, unlike a recently issued certificate they will not show if any information has been corrected or superseded by a new registration.

Check the quality of paper used; genuine certificates use a high grade. There should be a watermark visible when the document is held up to the light. Any signs of smoothness on the surface would indicate that original text might have been washed or rubbed away. There should be no signs of tampering, changes using liquid paper, overwriting or spelling mistakes.

The following list provides some general information about certificate completion which may help to establish whether the certificate and/or the details have been falsified. This is provided solely as a guide and is not exhaustive:

- the certificate format used should be appropriate for the year of registration.
- only the surname should be entered in upper case, not the forename(s).
- dates of birth should be shown with the day and month in words and the year in figures.

The following information might indicate that the certificate has been altered:

- spacing between falsely added particulars might be irregular compared to original information. 'Thick' or 'thin' spacing might infer particulars have been added.
- false particulars might not have been aligned with other words.
- characters may not be of the same size or shape with the rest of the particulars.



- movement of handwriting may look mechanical and does not flow with the rest of the particulars.
- changes might not be consistent e.g. parents' surnames might be altered, but not the signatures.
- the area around falsely added or removed particulars may react differently under an ultra violet light i.e. show signs of staining. In addition, such areas of paper may appear thinner where the paper fibres have been disturbed by abrasion.

For more information on checking birth certificates, please refer to Her Majesty's Passport Office document General Register Office guide to birth certificates.

Checking an EU photo identity card

Examine the card for evidence of photo tampering or any amendment of the printed details.

Checking an HM Forces ID card

Examine the card for evidence of photo tampering or any amendment of the printed details.

Checking a firearms licence

Check the licence is printed on blue security paper with a Royal crest watermark and a faint pattern stating the words 'Home Office'. Examine the licence for evidence of photo tampering or any amendment of the printed details, which should include home address and date of birth. The licence should be signed by the holder and bear the authorising signature of the chief of police for the area in which they live, or normally a person to whom his authority has been delegated.

Checking a biometric residence permit

To view the features of a permit and how to check them, visit www.gov.uk/check-biometric-residence-permit.

Other forms of identification

Ensure all letters and statements are recent, i.e. within a three month period. Do not accept documentation printed from the internet. Check letter headed paper is used, bank headers are correct and all documentation looks genuine. The address should be cross-referenced with that quoted in Section B.

Where to go for help

The PRADO website is provided by the Council of European Union. Employers are able to use this website to identify the basic safeguards contained in European documents and a few more other nationality documents. The Public Register of Authentic Identity and Travel Documents Online (PRADO website)



Appendix 4: DBS Risk Assessment Form

To be used to assess the suitability of the Applicant for their proposed position, in light of matter(s) disclosed on their DBS Certificate.

Position Applied For:

Type of Disclosure: Enhanced/Standard [Delete as appropriate]

Date of Risk Assessment:

Risk Assessment undertaken by:

Please ensure that the Risk Assessment process form is completed in full and that a full account is given of any matters which have been disclosed.

SECTION A - Offence(s) Declared by Applicant

Offence	Details and Date
1.	
2.	
3.	

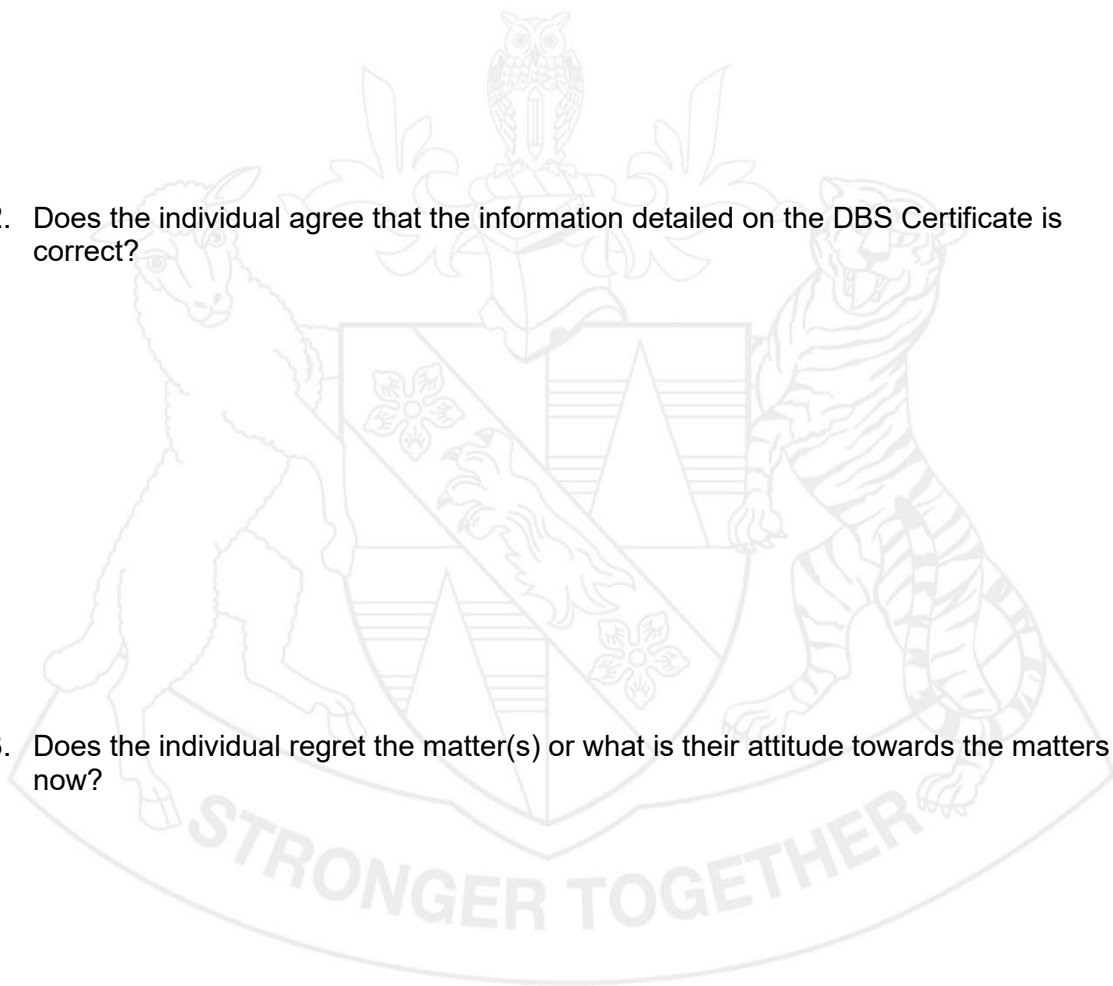


SECTION B - Discussion between Assessor and Applicant

1. Did the applicant declare the matters on the DBS Disclosure Application form and/or the personal application form and or at interview? If not why not?

2. Does the individual agree that the information detailed on the DBS Certificate is correct?

3. Does the individual regret the matter(s) or what is their attitude towards the matters now?



4. Would they do anything differently now?

5. Have the individual's circumstances changed since the conviction (e.g. location, friends, partner, education, etc.)?

6. Are there any mitigating circumstances? (E.g. peer pressure, financial need or lack of judgment)



7. Do the matters disclosed form any pattern? (E.g. is there a cycle or history, re-occurrence, repeat offences)

8. Can the Applicant demonstrate any efforts not to re-offend? (E.g. rehabilitation course)

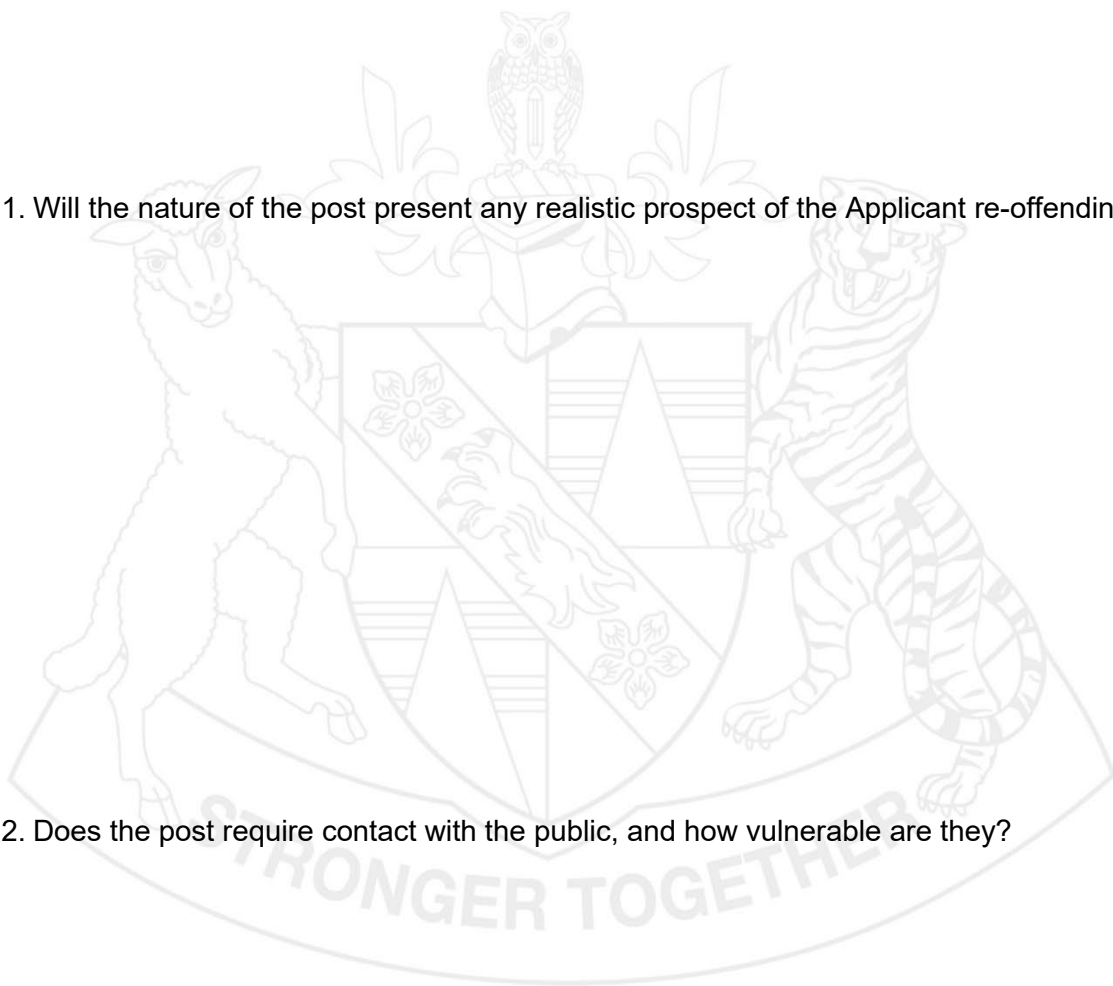
9. What is the nature of contact that the Applicant will have with adults or children?



10. Can safeguards be implemented to reduce/remove any risk?

11. Will the nature of the post present any realistic prospect of the Applicant re-offending?

12. Does the post require contact with the public, and how vulnerable are they?



13. What supervision is available, and how readily?

Declaration by Applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature: Date:



Appendix 5: Policy on the Secure Storage, Handling, Use, Retention and Disposal of DBS Certificate Information

Oadby and Wigston Borough Council (“the Council”) is required to have this policy under the Disclosure and Barring Service (“the DBS”) Code of Practice.

General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the Council fully complies with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. The Council fully complies with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Roles and Responsibilities

The Compliance Officer is the DBS Lead Countersignatory for the Council. He is responsible for ensuring compliance with the DBS Code of Practice and statutory requirements for the storage, retention and disposal of DBS certificate information in line with the Police Act 1997 and the DBS Code of Practice.

Storage and Access

The Compliance Officer shall ensure that certificate information is kept secure in a lockable, non-portable, storage container.

Access to certificate information will be limited to those entitled to see it in the course of their employment duties. The following people will usually have access to certificate information:

- The Compliance Officer, who co-ordinates the DBS application process;
- The Human Resources team (“HR”) who receive the DBS certificate and co-ordinate the recruitment process;
- The Line Manager and/or the Head of Service for the position in question; and
- The Licensing Officer for taxi drivers’ DBS applications

It is a criminal offence for certificate information to be passed to people who are not entitled to receive it.



Usage and Retention of DBS Certificate Information

Certificate information will only be used by the Council for the specific purpose for which it was requested, and for which the Applicant's full consent has been given.

Certificate information should not be kept longer than necessary. The information should be kept no longer than **6 months** from the recruitment/taxi licence decision being made. The Compliance Officer shall observe the requirements of storage and access during that time.

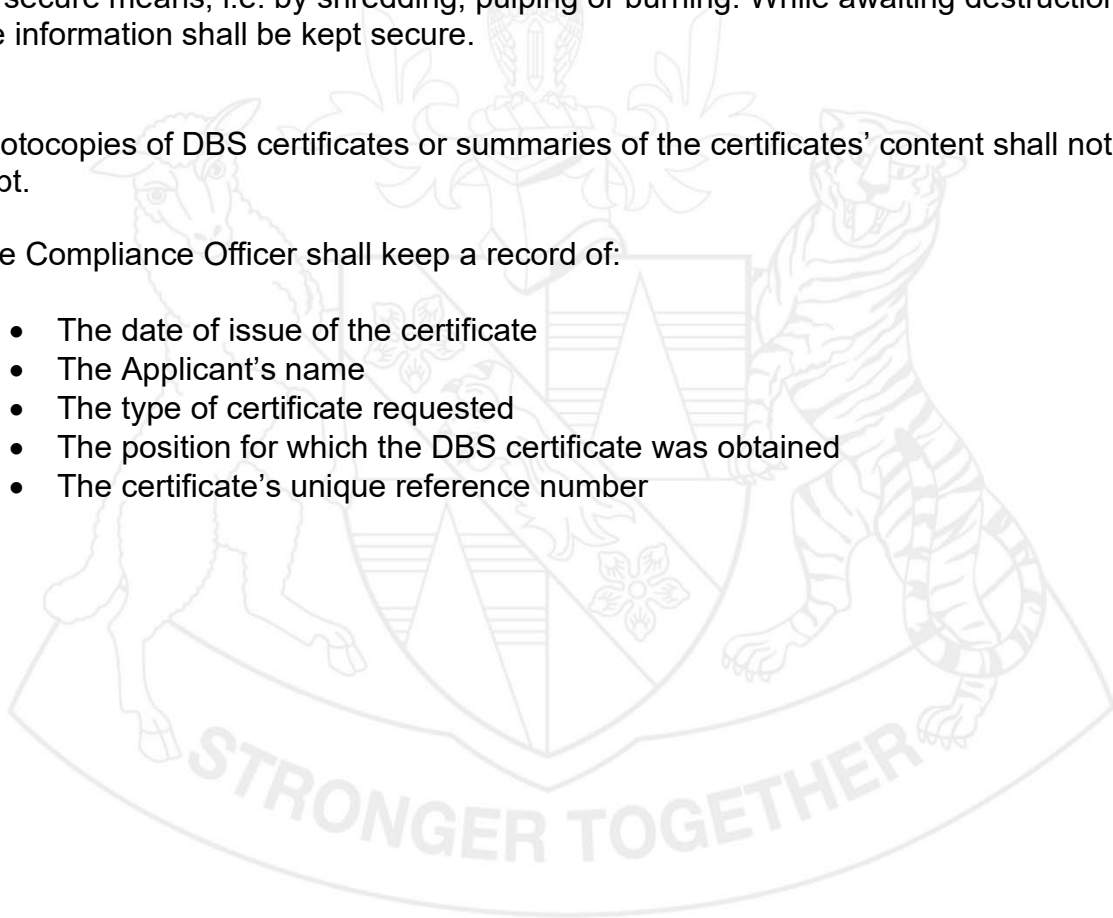
Disposal

Once the retention period has lapsed, DBS certificate information shall be destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, the information shall be kept secure.

Photocopies of DBS certificates or summaries of the certificates' content shall not be kept.

The Compliance Officer shall keep a record of:

- The date of issue of the certificate
- The Applicant's name
- The type of certificate requested
- The position for which the DBS certificate was obtained
- The certificate's unique reference number

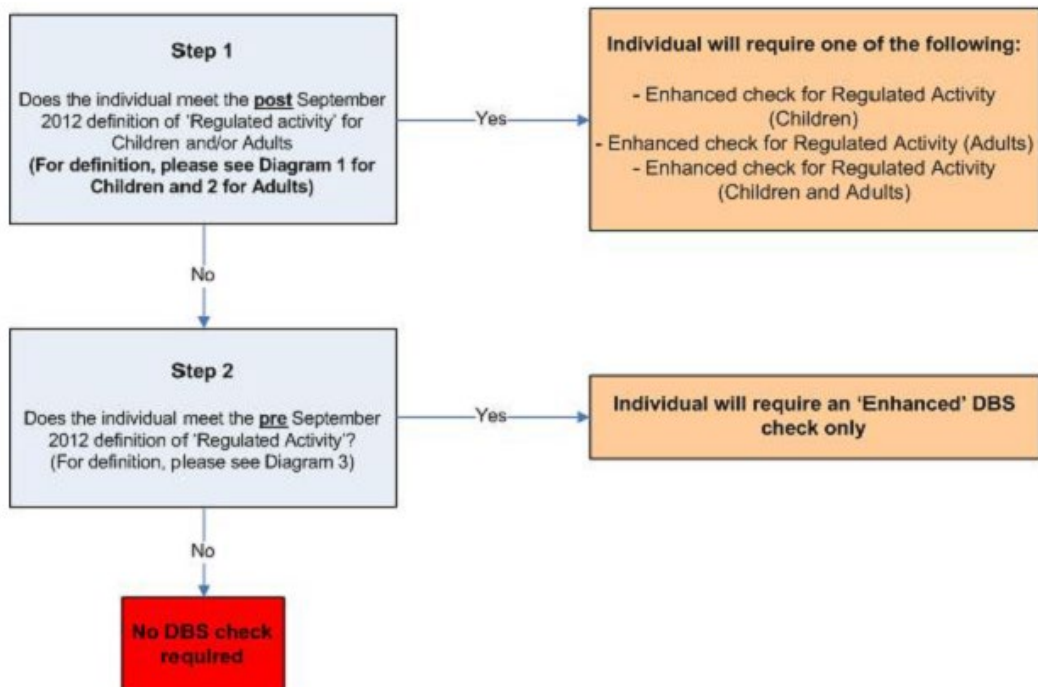


Appendix 6: Diagram of Eligibility for a DBS Check

This flow diagram and supporting guidance is designed to enable you to identify:
 a) is a check required, and
 b) if it is, what type of check is appropriate.

The definitions provided in this document are to establish eligibility for a dbS check and have been developed by the Home Office in consultation with the Disclosure & Barring Service (DBS), Independent Safeguarding Authority (ISA), Department of Health (DH) and Department for Education (DfE). The legislation which underpins these definitions is the Safeguarding Vulnerable Groups Act 2006 (SVGA) as amended by the Protection of Freedoms Act 2012.

Steps to establish if a DBS check is required as defined in the diagrams attached



Appendix 7: Diagrams for Establishing Regulated Activity with Children and Adults under the Current Definition Given in the Safeguarding Vulnerable Groups Act 2006

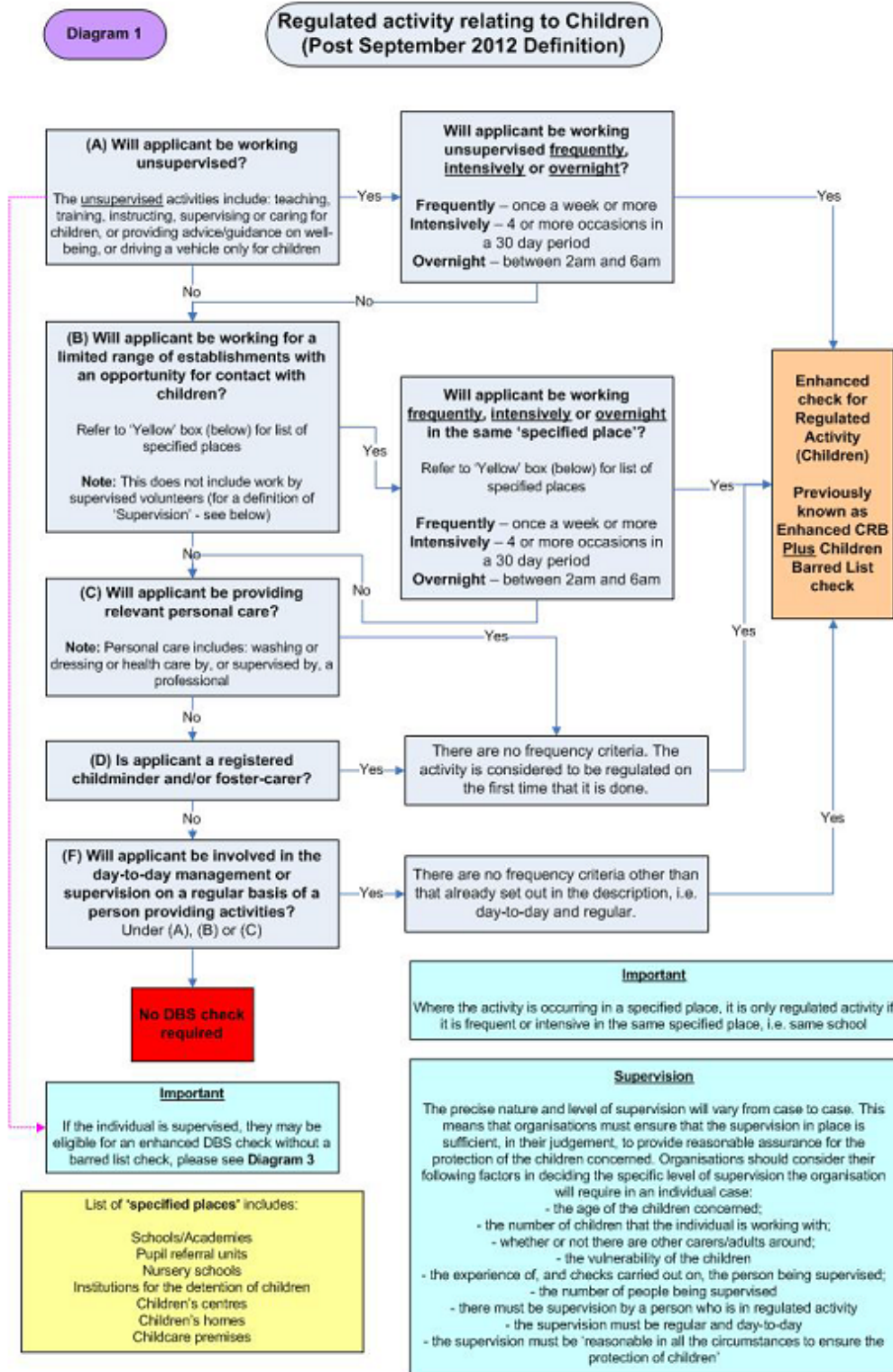
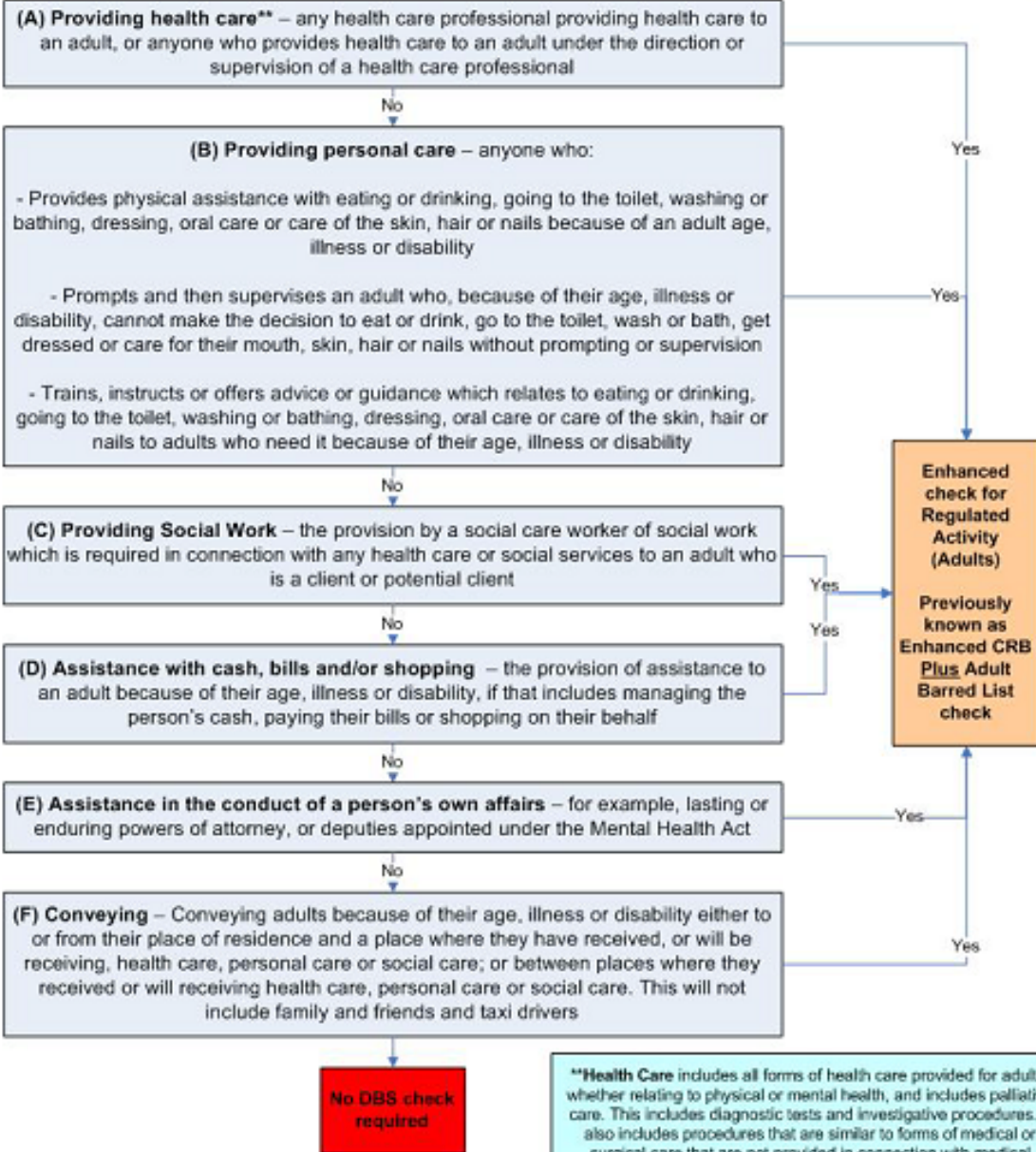


Diagram 2

Regulated activity relating to Adults (Post September 2012 Definition)

Regulated activity relating to adults identifies activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. There is not a requirement to do the activity a certain number of times before it is considered as engaging in regulated activity. Anyone meeting the six definitions below (including a person who provides day-to-day management or supervision of those people) will require an enhanced DBS check with an adults barred list check.



Appendix 8: Diagram for Establishing Regulated Activity under the Old Definition Given in the Safeguarding Vulnerable Groups Act 2006

