

Requirements for DBS Checks of Job Applicants

Many positions carried out by Age UK Lincoln & South Lincolnshire involve working with persons at risk in a regulated and controlled activity. It is a requirement of these jobs that a suitable enhanced DBS Disclosure is provided. Some positions require a Basic or Standard DBS check.

The job description you received with your application form states whether a Basic, Standard or Enhanced DBS check is needed for the job in question.

Should you be offered employment you will be provided with log in details to begin the DBS process, this should be initiated without undue delay. If you have a valid online update service DBS in place please inform us.

Please contact the office prior to bringing in the documents to ensure that someone will be available to check the form and that the identification you brought in is suitable.

You will be able to start work upon the receipt of two satisfactory written references. The DBS application form must be issued back to the office **before** your induction. All job offers are subject to a satisfactory DBS and references.

As an organisation using the DBS Disclosure service to assess applicants' suitability for positions of trust, Age UK Lincoln & South Lincolnshire complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

Age UK Lincoln & South Lincolnshire is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We have a written policy on the recruitment of ex-offenders, which is made available to all applicants at the outset of the recruitment process.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential

cover, to the HR Team via recruitment@ageuklsl.org.uk and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows Age UK Lincoln & South Lincolnshire to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in Age UK Lincoln & South Lincolnshire who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g., the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make every subject of a Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the applicant to understand the context of the offence, timescales and penalties imposed. The information provided is then reviewed by our CEO to decide whether the offer of employment can go ahead.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

Attached is the applicants guide to the Disclosure & Barring Service.

If you wish to discuss any concerns about this matter please contact:

HR Department 03455 564144 (ext.1121 or ext 1115)



Disclosure & Barring Service

From 29 May 2013, the DBS will be removing certain specified old and minor offences from criminal record certificates issued from this date.

Filtering rules for criminal record check certificates

For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS criminal record certificate if:

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of offences relevant to safeguarding. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

- The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years
- The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

The [filtering rules](#) and the [list of offences that will never be filtered](#) are now available for you to view.

<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Information/ Documents needed when applying for DBS.

You will need to bring **original** documents, not photocopies.

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 or 2; one of which must verify their current address.

NOTE - Non-UK/Non-EEA Nationals:

All Non-UK/Non-EEA Nationals should be validated via Route One by supplying the following combination of documents:

- Current Passport; and
- Biometric Residence Permit *OR* Work Permit/Visa (UK); and
- 1 further document from Group 2a or 2b (refer to list of Valid Identity Documents), which verifies their current address.

If the applicant **cannot** produce a Group 1 document, then go to Route Two.

Route Two

The applicant must produce:

- 3 documents from Group 2 comprising of;
- 1 document from Group 2a; and
- 2 further documents from Group 2a or 2b; one of which must verify their current address.

ROUTE THREE

If the applicant cannot meet the requirements of Route One or Two, you should have a 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:

A certified copy of a UK birth certificate; **AND** 4 further documents from Group 2 comprising 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 go for fingerprinting. This may add delay into the overall application process. Please refer to Question 9 in the FAQ's for more information.
- All copies of UK birth certificates state 'certified copy' when issued by the General Records Office.
- *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 into the overall application process.*

Group 1 – Primary Trusted Identity Credentials

- Current valid Passport – UK or EEA (or Non-EEA in combination with a Biometric Residence Permit or current Work Permit/Visa)

- Biometric Residence Permit (UK)
- Current Driving Licence (UK) (Full or provisional) Isle of Man /Channel Islands; Photo card only (a photo card is only valid if the individual presents it with the associated counterpart licence; except Jersey)
- Birth Certificate (UK & Channel Islands) - issued within 12 months of date of birth;

Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces

Group 2a – Trusted Government/State Issued Documents

- Current valid Passport (UK, EEA or Non-EEA)
- Current UK Driving licence (Photo card or old style paper version)
- Biometric Residence Permit (UK)
- Birth Certificate (UK & Channel Islands) - issued within 12 months of date of birth
- Certified copy of Birth Certificate (UK and Channel Islands) – issued after 12 months of date of birth
- Marriage/Civil Partnership Certificate (UK)
- Adoption Certificate (UK)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK)

Group 2b – Financial/Social History Documents

- Mortgage Statement (UK)**
- Bank/Building Society Statement (UK)*
- Credit Card Statement (UK)*
- Financial Statement ** - e.g. pension, endowment, ISA (UK)
- P45/P60 Statement **(UK & Channel Islands)
- Council Tax Statement (UK & Channel Islands) **
- Work Permit/Visa (UK) (UK Residence Permit) **
- Utility Bill (UK)* – Not Mobile Telephone
- Benefit Statement* - e.g. Child Allowance, Pension
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service , Customs & Revenue, Job Centre, Job Centre Plus, Social Security
- EU National ID Card
- Cards carrying the PASS accreditation logo (UK)

Please note:

If a document in the List of Valid Identity Documents is:

- denoted with * - it should be less than three months old
- denoted with ** - it should be issued within the past 12 months
- not denoted – it can be more than 12 months old.

Applicants Guide to the Disclosure & Barring Service

Introduction

The Disclosure & Barring Service (*DBS*), an executive agency of the Home Office; provide access to criminal records and other information to organisations in England and Wales through a service called Disclosure. Its specific purpose is to help organisations make more informed decisions when recruiting people that will be in placed in positions or trust.

The Disclosure service is also available to other professional licensing and regulatory bodies whose volunteer, employees and licensees are not necessarily in direct contact with persons at risk but still need to uphold the highest standards or professional performance and Disclosure can help improve these recruitment decisions as well.

Through the Disclosure service, organisations can provide greater protection for the persons at risk members of our society and afford greater protection to the customers, staff, volunteers and ultimately their organisation.

What information is available through the Disclosure service?

The Disclosure & Barring Service provides access to a range of different types of information, such as:

- Held on the Police National Computer (*PNC*), such as convictions, cautions, reprimands and warnings in England Wales and those recorded from Scotland. There is also some Northern Ireland conviction data held on PNC.
- Held by local police forces relating to relevant non-conviction information.
- From Government's Protection of Children Act List (*PoCA*)
- From Government's Protection of Vulnerable Adults List (*PoVA*)
- Held by the department for Education and Skills (*DfES*) under Section 142 of the Education Act 2002 (*formerly known as list 99*)

Levels of Disclosure

To provide this service the DBS offers two levels of Disclosure, each representing a different level of check. The two levels of Disclosure are **Standard** and **Enhanced**.

These Disclosures cannot be obtained by members of the public and they are only available to organisations for those professions, offices, employments, work and occupations listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974.

Standard Disclosures are primarily for posts that involve working with children or persons at risk, Standard Disclosures may also be issued for people entering certain professions, such as members of the legal and accountancy professions.

Standard Disclosures contain the following:

- Details of all convictions, cautions, reprimands and warnings held on the Police National Computer (*PNC*); and if the position involves working with children or vulnerable adults and the relevant boxes have been marked on the application to indicate this.
- Information from Protection of Children Act List (*PoCA*)

- Information from Protection of Vulnerable Adults List (*PoVA*)
- Information held by the DfES under Section 142 of the Education Act 2002 of those considered unsuitable or banned from working with children.

Why might I be asked to apply for a Disclosure?

You might have been asked to apply for a Standard or Enhanced Disclosure if you will be working:

- With children or vulnerable adults.
- In an establishment that is wholly or mainly for children.
- In healthcare.
- Have applied to be a foster carer, adoptive parent or childminder.

A Disclosure may also be required for a range of other types of job or licences. To find out more please contact the DBS information line or alternatively visit our website.

Can I refuse to apply for a Disclosure?

Yes, however, there are some posts for which a Disclosure is required by law. If you refuse to apply for a Disclosure in this instance, the organisation would be well within their rights to not take your job or licence application any further.

If you are currently working and your employer asks you to apply for a Disclosure, you may be able to refuse if your contract of employment does not refer to a criminal record check.

I already have a Disclosure; can I use it again?

If you are asked to apply for a Disclosure and you already have one from a previous role, ask if the organisation are willing to accept it. When making this decision the organisation will take into account the length of time that has elapsed since that Disclosure was issued, the level of Disclosure, the nature of the position for which the Disclosure was issued, and the nature of the position you are now applying for. Ultimately, it will be the organisations decision whether to accept it or not.

What if I have lived overseas?

If you have lived overseas for a substantial period of time, it may not be worth applying for a Disclosure, as the DBS does not generally have access to overseas criminal records. However, some organisations have a legal responsibility to check if a person is banned from working with children or vulnerable adults and can only do this through the Disclosure service. We can also advise on how to obtain equivalent information from the overseas authorities, where available. You may wish to discuss this with your prospective employer.

How do I apply for a Disclosure?

You will be sent instructions on how to apply when you receive a job offer.

Who will receive my Disclosure?

When the application is processed, the DBS sends out a copy of the Disclosure containing any information revealed during its searches, to you.

How do I know that the information contained on my Disclosure form will remain confidential?

An organisation using the Disclosure service must comply with the DBS code of practice, which is there to make sure the whole practice works fairly and that any information revealed is treated fairly and securely. Also, the DBS is committed to compliance with the Data Protection Act. This means that any personal information that you submit to us will be protected.

Under the provisions of the Code, sensitive, personal information must be handled and stored appropriately and must be kept for as long as is necessary. The Code is published on the DBS website, or you can also request a copy from the person who asked you to apply for the Disclosure.

What if I have a criminal record that may not be relevant to the position for which I am applying?

Safe guards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are not treated unfairly. Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974. In addition, the DBS and the Chartered Institute of Personnel and Development (*CIPD*) have developed guidance information on this matter.

What if things go wrong?

The DBS has established a comprehensive complaints process and as a part of our commitment to provide a high standard of customer service we will always:

- Act fairly and impartially.
- Communicate effectively.
- Deal promptly with all enquiries.
- Endeavour to learn from our mistakes.

For how long will Disclosures be valid?

Each Disclosure will show the date on which it was printed. Disclosures do not carry a pre-determined period of validity because a conviction or another matter could be recorded against the subject of the Disclosure at any time after it is issued.

For further information:

If you would like further information about the Disclosure & Barring Service why not visit our website <http://www.homeoffice.gov.uk/dbs> or give us a call on 0870 90 90 811?