

Age UK Merton Disclosure and Barring Policy

The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged into the Disclosure and Barring Service (DBS).

CRB checks are now called DBS checks.

An employer may request a criminal record check processed through the Disclosure and Barring Service (DBS) as part of its recruitment process.

For certain roles the check will also include information held on the DBS children and adults barred lists, together with any information held locally by police forces that is reasonably considered to be relevant to the applied for post.

These checks are to assist employers in making safer recruitment and licensing decisions. However a check is just one part of robust recruitment practice. When a check has been processed by the DBS and completed the individual will receive a DBS certificate which remains in their possession

Legislation

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012

Before an organisation considers asking a person to make an application for a DSB check they are legally responsible for ensuring that they are entitled to ask a person to reveal their conviction history.

While usually an applicant has no obligation to reveal spent convictions there are certain areas of employment that are exempt from this rule, under the ROA 1974 (Exceptions) Order 1975¹, for which employers may ask about spent convictions. This is known as asking an exempted question, which when answering, the applicant would have a legal obligation to reveal spent convictions.

There are 3 different levels of checks

1. A standard check is available for certain specified occupations, licences and entry into certain specified professions.
2. The enhanced check is available for those carrying out certain activities or working in regulated activity with children or adults; applicants for gaming and lottery licences; and judicial appointments

¹ Excepted professions, offices, employments and occupations under the ROA 1974 (Exceptions) Order 1975 can be found at the website:

<http://www.legislation.gov.uk/ssi/2013/50/schedule/4/made>

3. An enhanced check with barring lists is only available for those individuals who are in regulated activity².

Age UK Merton complies fully with the Code of Practice for Registered Persons and Other Recipients of Disclosure Information (Revised April 2009)³.

Disclosures do not have a specific expiry date as they are a check against records at a given time so technically become out of date as soon as they are issued. Rechecks should be carried out every 3 years under normal circumstances, but for specific posts where the employee makes sole visits to the vulnerable adult, or where their role involves ascertaining sensitive personal or financial information from the vulnerable adult then the rechecks should be carried out every 2 years.

In some instances the organisation may be recommended to gain additional checks for individuals who have resided outside the UK for a significant period of time. DBS recommends that a certificate of good conduct be acquired from the individual's embassy. It is the policy of Age UK Merton to acquire this certificate for individuals who have been in the UK for less than 10 years.

Carrying out Checks

Age UK Merton will carry out DBS checks at recruitment for all positions, paid or voluntary, where the incumbent will have contact with elderly persons.

Organisations can either register with DBS if they do more than 99 checks per year, or use an organisation offering umbrella body services to apply for DBS checks. An umbrella body is a registered body that gives other non-registered organisations access to DBS checks. As Age UK Merton has a requirement for fewer than 100 checks per year we should use the services of an umbrella body.

We can search for companies that can do Disclosure and Barring Service (DBS) checks on our behalf on the Home Office website⁴

Management and Use of Disclosure Information

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Age UK Merton complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 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.

² The Disclosure and Barring Service "DBS check eligible positions guidance" which defines regulated activities for adults can be found at the website:

<http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-checking-service-guidance/eligibility-guidance>

³ The Code of Practice for Registered Persons and Other Recipients of Disclosure Information can be found at the website:

<https://www.gov.uk/government/publications/dbs-code-of-practice>

⁴ <https://www.gov.uk/find-dbs-umbrella-body>

Storage and access

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information gleaned as part of the recruitment process, for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, and the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Date Implemented:	Future Review Dates					
	2018	2019	2020	2021	2022	2023
Date to be reviewed				o		
Date approved By Trustees	√					