

## Disclosure and Barring Service Policy

This policy sets out the approach employed by PMA to using Disclosures & Barring Service (DBS) checks and the implications arising from their use for employees and workers. It relates to checks carried out upon recruitment and during the lifetime of their employment, work placement or contract.

The DBS check searches personal details provided by applicants against criminal records and other sources. The DBS check will confirm that the person named either doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether they have been barred from working with vulnerable groups. The police can also include non-conviction information, for example, fixed penalties, that may be relevant.

A DBS check uses a range of different information sources, including, the records of the Police National Computer (PNC) and other data sources appropriate to the level of check requested.

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. Therefore, we have a legal responsibility to ensure we have a relevant exemption before requesting this from an applicant, or risk withdrawal of our right to request DBS checks in future and, potential prosecution. Also, under the Protection of Freedoms Act 2012, we have a legal responsibility to ensure we carry out checks on anyone engaged in regulated activity but, only carry out checks for those individuals of the appropriate barring list for the groups they are working with.

\*for the purpose of this policy, the term 'Associates' refers all staff, freelancers, subcontractors and any other external stakeholders.

PMA is committed to the values and practises of safeguarding, including those associated with radicalisation and extremism. The welfare and safety of all learners and staff is paramount. We expect all those involved with PMA to share this commitment.

### Background

Recently, the range of posts eligible for DBS has been extended in response to the Safeguarding Vulnerable Groups Act 2006.

A key aspect of our obligations under this act are to carry out regular DBS checks of employees and workers undertaking roles defined as regulated activity relating to children or vulnerable adults. PMA recognises that all members of staff do have regular contact with learners. However, because employees not based out in the field have limited interactions, the checks completed for those recruits are the standard level. After the initial check is carried out, staff are then instructed to register for the Yearly DBS Update Service.

### Eligible posts

The Disclosures & Baring Service (DBS) provides guidance on all the eligible roles and types of roles that are exceptions to the Rehabilitation of Offenders Act 1974.

This guidance is reviewed and updated on a regular basis, with the most up-to-date guidance available on the [Direct.Gov](https://www.gov.uk/government/organisations/disclosure-and-barring-service) website.

The large majority of roles eligible for DBS checks are those who work in regulated activity with children and vulnerable adults.

As the majority of Associates will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information, will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- Will be responsible, on a regular basis for teaching, training instructing, caring for or supervising children
- Will carry out paid, or unsupervised unpaid, work regularly where that work provides an opportunity for contact with children
- Engage in intimate or personal care or overnight activity, even if this happens only once.

Office based staff will undertake a basic DBS check and all staff with direct contact to learners are subject to an enhanced DBS check.

Associates performing regulated activity will complete part of the enhanced DBS check. Other Associates will complete a basic DBS check.

The criteria apply equally to all types of employment, whether or not an established post, such as: permanent, temporary, casual, supply, volunteer or unpaid. If agencies are used, agency staff must be subject to the same checks as permanent staff, and it is the responsibility of the hiring manager to obtain and record, confirmation from the agency that clearance has occurred.

#### **Returned traces**

All current employees are covered by a specific obligation/clause covered by their contract to notify their line manager of any charges or convictions brought against them. Clearly, where a role is subject to a satisfactory DBS check, this obligation becomes critical in determining what action should take place.

Depending on the nature of the offence we will determine whether:

- The charge or conviction is such as to affect, or be likely to affect, the suitability of the employee or worker for the position in which he/she is employed,
- The business or reputation of the employer,
- Where the existence of the charge or conviction could, in the opinion of the employer, otherwise seriously undermine the trust and confidence that the employer has in the employee or worker.

Where a trace is returned during recruitment, the senior manager, in conjunction with the Directors of PMA and the Designated Safeguarding Lead (DSL), will make a decision on these factors for recruitment and may decide not to appoint. The senior manager and DSL will hold a meeting with the applicant to discuss the convictions, in line with the provisions of the Rehabilitation of Offenders Act 1974, they will decide whether the conviction is pertinent to the role that has been offered.

The decision will then be logged with the DBS number, initials of applicant, date, and details of the manager, DSL and Operations Director that agreed the decision. The safeguarding log will be updated to reflect this information.

Having a conviction will not necessarily bar individuals from working for PMA and each disclosure is assessed individually. Each individual case will be considered with reference to the sentence, severity and nature of the offence combined with the potential risk to children or vulnerable adults.

Where a current employee undertakes an updated DBS check and a previously unreported trace is returned, their line manager must be consulted to determine if disciplinary action should be taken. Where a trace is returned for any other type of worker, reference should be made to the terms under which that worker is engaged.

Criminal charges or convictions for offences of dishonesty or violence committed outside working hours may result in disciplinary proceedings being taken against the employee up to, and including, summary dismissal.

### **Retention of documents**

As an organisation using the DBS to help assess the suitability of applicants for positions of trust, we comply fully with the governmental DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. We also comply fully with our obligations under the General Data Protection Regulation 2016/679 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and have a written policy on these matters, which is available to those who wish to see it on request.

### **Storage and access**

Information regarding certificates are held with the employee or worker's personal file, which is retained securely within an online HR portal (called Breathe). Breathe is individually password protected and only the employee's manager and, the HR administrator, who is based remotely, has access to the information. There is a DBS log that enables dedicated personnel to manage the review and renewal of DBS.

### **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.

### **Recruitment procedure**

Where a DBS check is required, the appropriate text is inserted into the advert for the job. General information is available to applicants from the DBS Guide for Applicants and Recruitment of Ex-Offenders policy.

The offer is conditional on receipt of a satisfactory DBS check; part 1 of the DBS check is completed upon appointment.

### **Ongoing employment checks**

The DBS expiry date is registered with Breathe; each month the staff for who the check is due for renewal the following month is contacted and a new application is made. The renewals are processed and tracked until a new expiry date is produced which is then re- registered with Breathe.

When the result is returned, staff are then instructed to register for the Yearly DBS Update Service.

### **Referral procedures**

In the event that any employee undertakes an act that is classed as:

- Engaged in 'relevant conduct'
- Satisfied the harm test
- Received a caution or conviction for a relevant offence.

A referral will be made to the Disclosures and Barring Service. This will be done within the provisions of the Protection of Freedoms Act 2012.

**Main Contacts:**

| Name           | Job Title                | Address  | Mobile phone  |
|----------------|--------------------------|--|---------------|
| Ian Jones      | Operations Director      | <a href="mailto:ian@practicemanagersuk.org">ian@practicemanagersuk.org</a>       | 07880 788 985 |
| Austin Ambrose | Client Services Director | <a href="mailto:austin@practicemanagersuk.org">austin@practicemanagersuk.org</a> | 07726 921 685 |
| Lisa Lindgren  | Head of Education        | <a href="mailto:lisa@practicemanagersuk.org">lisa@practicemanagersuk.org</a>     | 07751 091 395 |

Should you have any concerns around Safeguarding please email:

PMA DSL, Lisa Lindgren at: [safeguarding@practicemanagersuk.org](mailto:safeguarding@practicemanagersuk.org)

Please be assured your email will be treated in the strictest confidence and that you will receive a direct reply from Lisa within 24 hours.

**Revisions control:**

| Date      | Summary of changes made | Changes made by (Name) | Version No. |
|-----------|-------------------------|------------------------|-------------|
| Sept 2020 | New Policy              | Lisa Lindgren          | V1.0        |
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**Next Review Due:** August 2021