

## **DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURES POLICY** **Amended Ofsted Guidance issued May 15**

### **1. Purpose & Scope**

All individuals or organisations using the service to help assess the suitability of applicants for positions of trust who are recipients of Disclosure information must comply fully with the DBS Code of Practice. Amongst other things, this obliges them to have a written policy on the current handling and safe keeping of Disclosure information. It also obliges them to ensure that a body or individual on whose behalf they are countersigning also adhere to this policy. Adherence to this policy will ensure compliance with the Code.

Managers are responsible for ensuring that staff, including agency staff, who work for Credo Care are safely recruited and that appropriate checks are carried out. The manager must be able to demonstrate that they have checked any member of staff from an agency meets the relevant recruitment regulatory requirements for establishments, agencies, local authority fostering and adoption services, and residential holiday schemes for disabled children. This includes seeing a current DBS certificate for the person.

There are three types of certificate that can be issued:

**Standard:** this provides information about a person's criminal record and includes convictions and cautions, which are not protected convictions or cautions. To be eligible for a standard certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

**Enhanced:** this is only available in prescribed circumstances. It provides the same information as a standard certificate but may contain information held by the local police that is considered to be reasonably relevant and in their opinion, ought to be included. To be eligible for an enhanced certificate, the position must be included in both the ROA 1974 Exceptions Order 1975 and in the Police Act 1997 (Criminal Records) Regulations 2002.

**Enhanced with suitability information** (known on the DBS website as 'enhanced with list checks'): in certain circumstances an enhanced criminal record certificate automatically includes information about whether a person is barred from engaging in regulated activity (barring information) and prohibited from working in an establishment or an agency. To be eligible for a check of the children's barred list, the position must be eligible for an enhanced certificate as set out above and be specifically listed in the Police Act 1997 (Criminal Records) (No 2) Regulations 2009. A DBS certificate only provides barring information in the prescribed cases; these are set out in regulation 5C of the Police Act 1997 (Criminal Records) Regulations 2009.

Changes to the work that a member of staff or volunteer undertakes may require them to obtain a DBS certificate where previously this was unnecessary. A change to the nature of the work a person undertakes may also require a different type of DBS check in order for the person to undertake that work. In these cases, the new type of DBS check and certificate should be obtained before the person commences that work. For example, where the work of a member of the administration team changes to include working directly with children, the provider/manager must consider whether there is a change in DBS requirements.

## 2. Procedure

### General Principles

As an organisation using the DBS Disclosure service to help assess the suitability of applicants for positions of trust, Credo Care Ltd complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters which is available on request to those who wish to see it. Credo Care have designated staff who undertake the DBS checks; all checks are verified by the fostering managers, the outcomes of the checks are recorded monthly in the Ofsted logs.

### The update service

From 1 July 2013, the DBS implemented a subscription service called the DBS update service. By subscribing to this service, a person can provide their current or new employer with the ability to continually check the status of their existing certificate. The person must pay an annual fee for the subscription.

Credo Care can use the online checking service, with the agreement of the person who obtained the DBS certificate, to carry out an instant online status check. This status check shows if any new information is available since the certificate was issued. The update will either state that there is no new information, or that new information is available but it will not include the specific detail; a new DBS certificate must be obtained.

The manager must review the information contained in an up-to-date DBS certificate and decide whether this reveals any concerns about the person's suitability to work with children. The review must take place before the person is engaged in work. Where there are concerns, the manager must demonstrate how they have used the information to come to their conclusion about whether or not to engage the person.

Online DBS status will be re-check every year and those who do not subscribe to the online checking service every two years.

A new DBS certificate should be obtained if:

- a person's online status check shows that there is a change to his or her status
- There are concerns that a person, who does not subscribe to the update service, may have an undisclosed conviction or caution.
- In the circumstances outlined above, managers must:
- take immediate action to ensure that the person poses no risk, and will continue to pose no risk, to children and young people
- ask the person to obtain a new DBS certificate without delay
- Notify Ofsted if it is clear that there is a serious complaint about the person working at a registered establishment or agency, as required by regulations made under the Care Standards Act 2000.

**Secure handling of information provided by DBS, electronically or otherwise.**

**Storage and Access : subject to Data protection Act 1998.**

Disclosure information is never kept on an applicant’s file and is always kept separately and 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, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. Credo Care maintains a record of all those for whom Disclosure and Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

**Usage**

Disclosure information is used only 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, Credo Care does not keep Disclosure information for any longer than is absolutely 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 Disclosure information any longer than six months, Credo Care will consult DBS about this and will give full consideration to the Data Protection and Human Rights Acts before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

**Disposal**

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

**3. Related Records & Forms**

- DBS Checks
- Personnel Files

	Review of Documents
Person Responsible	Fostering Manager
Date Last Updated	12/02/2016