



# COUNTSTHORPE PARISH COUNCIL

## Disclosure & Barring Service - Process & Guidance

### Contents

- 1 Introduction
- 2 Purpose
- 3 Duties
- 4 DBS risk assessment
- 5 Rehabilitation of Offenders Act
- 6 DBS Process  
Process for new starters and existing employees working for BDC  
(employees, casuals, freelance, volunteers etc)
- 7 DBS right of appeal
- 8 Appendices  
Appendix 1 Policy Statement  
Appendix 2 DBS risk assessment form

## 1. Introduction

Countesthorpe Parish Council is committed to safeguarding the welfare of children and vulnerable adults.

### Principles

- Children (under 18, or under 16 if the child is employed) and vulnerable adults should be treated with care, respect and dignity.
- Those working for the Parish Council will be perceived by children and vulnerable adults as being trusted representatives of the Parish Council.
- Employees and volunteers should act responsibly with regards to physical contact with children which may be necessary for work or health and safety reasons, or under supervision.
- An offer of work to a position where working with children or vulnerable adults is an expected part of the role will be subject to a satisfactory DBS check. This applies to individuals engaged on any type of contract (e.g. employment, casual, voluntary).

### Definitions

- DBS - Disclosure and Barring Service
- Contra Indicators - Offences identified by the DBS on the disclosure form

## 2. Purpose

### When is a DBS Check Required?

A DBS check discloses convictions, cautions, warnings, reprimands and other police intelligence. Normally, once a conviction is 'spent' the convicted person does not have to reveal or admit to its existence. However, in the context of working with children or

vulnerable adults, organisations are legally entitled to ask for details through the DBS of convictions irrespective of whether they are 'spent' or 'unspent'.

It is only permissible to require a DBS check if a position falls within the definitions prescribed by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Within the Parish Council the main categories for checking are:

- any position which involves regularly caring for, training, supervising or being solely in charge of persons under 18 or a vulnerable adult
- any work which is defined as regulated activity relating to children or vulnerable adults. Regulated activity is:
- activity involving contact with children/vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, moderating, driving, on a frequent (once a month or more), intensive (takes place on three or more days in any 30 day period) overnight (between 2am and 6am) basis; and/or
- activity involving contact with children in a specified place (e.g. schools, care homes, etc) frequently or intensively; and/or
- management of an individual doing regulated activity in relation to children and/or vulnerable adults

Regulatory Activity is a statutory term used to describe working or volunteering with children or vulnerable adults. It covers any work, whether paid or unpaid, which is carried out on a frequent, intensive or overnight basis but does not include family or personal arrangements. Importantly, the definition of regulated activity looks at whether the activity is:

- of a specified nature - Teaching, Training, Supervision, Advice, Treatment, Transport
- in a specified place – where there is the opportunity for contact with children or vulnerable adults
- the frequency and intensity - once a week, takes place on 4 days in once month or more
- whether the activity gives the person the opportunity to have access to children or vulnerable adults.

### 3. Duties

#### 3.1 Process for individuals working for the Parish Council (employees, casuals, freelance, volunteers etc)

Individual required to have DBS:	<ul style="list-style-type: none"><li>• Read the DBS Guide to completing DBS Form and follow the instructions.</li><li>• Complete the DBS application form accurately and promptly.</li><li>• Arrange a time to meet the appropriate Counter signatory as soon as possible.</li><li>• Provide original documents as requested.</li><li>• If applicable, follow a restricted duties plan as advised by the Parish Council Manager.</li><li>• Provide original DBS certificate to the Parish Council Manager for her to review as soon as it is received to their home address</li><li>• Existing employees are expected to notify the Parish Council Manager as soon as they have been convicted of any offences</li></ul>
Parish Council Manager:	<ul style="list-style-type: none"><li>• Identify need for DBS.</li><li>• Responsible for ensuring the DBS check is obtained and individual is complying with their roles and responsibilities.</li><li>• Responsible for carrying out a risk assessment and obtain</li></ul>

	<p>authorisation from the Parish Council, Committee or Subcommittee for an individual to start work pending the outcome of the check.</p> <ul style="list-style-type: none"> <li>• Ensure that the members of staff and volunteers are aware of safeguarding issues at all times.</li> <li>• Remove the individual from restricted duties once a satisfactory check is received.</li> <li>• If contra indicators have been identified for a new starter or new volunteer, the Parish Council Manager is responsible for arranging a meeting with the individual and a Councillor, to investigate and to decide whether or not the offer of employment/volunteering should be upheld.</li> <li>• In the cases of an existing employee if an individual notifies of an offence then the Parish Council Manager will need to consult with the Parish Council and consider what appropriate action is necessary. This could be an investigatory meeting in accordance with the disciplinary procedure.</li> <li>• Responsible for ensuring any employees/volunteers that have a DBS check that is due to expire completes the necessary actions for them to be re-checked.</li> <li>• Responsible for maintaining system functionality to record dates of DBS checks.</li> <li>• Check ID and documentation and promptly, referring to the DBS Guide to Completing the DBS Application to check what is and is not acceptable.</li> <li>• Raise any queries with the individual.</li> <li>• Check the DBS application form has been completed correctly</li> <li>• Send the DBS form to Blaby District Council and be the point of contact for queries.</li> <li>• Refer any escalation issues to the appropriate Parish Council, Committee or subcommittee as appropriate.</li> <li>• Ensure that their members of staff and volunteers are aware of safeguarding issues at all times.</li> <li>• Risk assess and authorise requests for individuals to start work with a restricted duties plan pending the receipt of a satisfactory DBS.</li> <li>• The Parish Council will be the final decision maker on escalated cases where contra indicators have been identified.</li> </ul>
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#### **4. DBS risk assessment**

##### **A risk assessment form must be completed when:**

- The position does require a DBS check, but the Parish Council are awaiting the return of a satisfactory check. Enough time should be allowed for the DBS check to be completed before the individual is due to start work/volunteer and therefore a risk assessment should only be used in exceptional circumstances. Examples of when a risk assessment would be acceptable would be due to an unforeseen delay in the DBS process or due to unforeseen Parish Council need, which requires an immediate start.
- Offences have been declared by the individual or through the DBS disclosure. In these cases the risk assessment should be used to establish whether or not the offer of work/volunteering should remain or in the cases of existing employees whether any further appropriate action should be taken.

The risk assessment must be fully completed and signed off by the Parish Council Manager.

## **5. Rehabilitation of Offenders Act**

In certain circumstances, individuals who are convicted of offences are regarded as “rehabilitated” after a defined period of time. At that point, their conviction is said to be “spent”. Normally once a conviction is spent, the convicted person does not have to reveal or admit its existence and the conviction is treated as though it had never occurred. However, where an individual is required to work with children or vulnerable adults in accordance with the exceptions under the Act, disclosure of all convictions (i.e. both spent and unspent) will occur through the disclosure services of the DBS. As a user of the Disclosure and Barring Service (DBS), to assess applicants’ suitability for positions of trust, the Parish Council 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. The Parish Council is committed to the fair treatment of its staff, potential staff, volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background. The Parish Council welcomes 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 and appoint on merit. Unless the nature of the position allows the Parish Council 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 the Parish Council, who are involved in the recruitment process, have been suitably trained to identify and assess the relevance and circumstances of offences.

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. The Parish Council undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. There is no right of appeal against this decision. Having a criminal record will not necessarily bar individuals from working with the Parish Council. This will depend on the nature of the position and the circumstances and background of the offences.

## **6. DBS process**

**Process for new starters working for the Parish Council (employees, casuals, freelance, volunteers etc)**

### **Step 1**

The Parish Council Manager identifies the need for a DBS check, if the Parish Council Manager is unsure whether or not the position meets the eligibility criteria then she should bring the matter to the Parish Council, Committee or subcommittee.

### **Step 2**

If a DBS check is required, the Parish Council Manager must ensure that the Parish Council, committee or subcommittee are aware of the requirement.

### **Step 3**

The individual brings in the completed forms and documentation.

#### Step 4

The appropriate counter signatory is responsible for checking the completed DBS form and the supporting documentation. The counter signatory signs the form and the Parish Council Manager will send the form to the DBS.

#### Step 5

Once the DBS check is returned the Parish Council Manager will record the outcome and confirm to the Parish Council, committee or subcommittee that the check is complete.

If any contra indicators come back on the form the Parish Council Manager will arrange a meeting with the individual and a councillor representative to discuss the record. Following the meeting the Parish Council, Committee or Subcommittee will decide whether the offer of employment/volunteering will be upheld. If the offer of employment/volunteering is upheld, the risk assessment form must be completed and signed off by the Parish Council. If the offer is turned down, the Parish Council Manager will notify the individual in writing of the reasons.

#### Step 6

Where a previously undisclosed contra indicator is obtained for an existing employee, an investigatory meeting may be held in accordance with the Disciplinary Policy and Procedure. It should be noted this could lead to further disciplinary action in accordance with the procedure.

### **7. DBS Right of appeal**

It should be noted that the DBS provides a right of appeal if an individual feels that information revealed on their DBS disclosure is incorrect and does not relate to them.

Signed \_\_\_\_\_

Dated \_\_\_\_\_

Review Date \_\_\_\_\_

## **Appendix 1**

### **Policy Statement**

#### **General principles**

The Parish Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. The Parish Council 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 Disclosure information.

#### **Storage and access**

Disclosure information is 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. The Parish Council keeps an electronic 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. The certificate will be issued directly to the applicant, however sight of the original certificate is required and the issue number and date taken.

#### **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. The Parish Council recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it. The Parish Council maintains a record of all those to whom Disclosures or Disclosure information has been revealed.

#### **Usage**

Disclosure 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 and disposal**

The Parish Council does not keep or take copies of documentation required for DBS. The original documents are checked and a noted.

## Appendix 2

### DBS Risk Assessment Form

The Parish Council is committed to safeguarding the welfare of children and vulnerable adults. As part of this commitment, the Parish Council requires the following risk assessment to be conducted when:-

The position does require a DBS check, this has been requested and the Parish Council are awaiting the return of a satisfactory check.

### Risk Assessment

Job Title	
Main Duties	
Hours or work	
Location	
Reason for Risk Assessment	<p>Tick as appropriate:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Offences have been declared by the individual or through the DBS disclosure</li><li><input type="checkbox"/> The position does require a DBS check, this has been requested and the Parish Council are awaiting the return of a satisfactory check.</li></ul>
Safeguarding measures	<p>(e.g., training, documents given to individuals, restricted duties until check received etc)</p> <p>(Below are some examples of measures – only include if appropriate)</p> <ul style="list-style-type: none"><li>• The individual must always be in the company of a Parish Council employee who has a satisfactory DBS, unless the child or vulnerable adult is accompanied by a parent, guardian, teacher or chaperone at all times;</li><li>• Any contact with a child or young person should be made through the parent and logged with the manager;</li><li>• The individual will not be involved in teaching, training, care, supervision, advice, moderating or driving children.</li><li>• Let others in the team know that the individual will not be working unsupervised, or in these specified activities until their check has been received satisfactorily.</li></ul>

**Duties/responsibilities that can be undertaken**

**Duties/responsibilities that cannot be undertaken**

**NOTE:**

The above is to be used as guidance and your work programme and day-to-day activity should be agreed with the Parish Council Manager

Signed... .. Date... ..  
Mrs Alixe Bates, Parish Council Manager

Signed... .. Date... ..  
Name of Individual