



**General Purposes Committee
4 July 2013**

**Report from Interim
Operational Director, HR**

Wards affected:
ALL

Disclosure and Barring Service (DBS) Policy

1.0 Summary

1.1 This report introduces a new DBS Policy which provides details of the method that DBS checks will be carried out across the council as part of its recruitment checks. It also details how this will be kept up to date (3 yearly repeat checks) and provides useful guidance on the use, storage and disposal of disclosure information.

2.0 Recommendations

2.1 GP Committee is asked to agree the draft Disclosure and Barring Service (DBS) Policy with immediate effect.

2.2 GP Committee is asked to authorise the Assistant Director, Human Resources (or Deputy), in consultation with the Director of Legal and Procurement (or Deputy) and then consultation with the relevant trade unions, to make such other changes as may be necessary from time to time to this policy.

3.0 Detail

3.1 From December 2012, the Criminal Records Bureau and the Independent Safeguarding Authority were merged into a single new public body called the Disclosure and Barring Service (DBS).

3.2 The council is a registered body with the DBS and committed to treating information gained during recruitment or the rechecking process in a confidential manner.

3.3 This report deals with a DBS policy for all employees. Its purpose is to ensure consistency in the application of the types of checks on posts that come under the definition of regulated activity which involves working or volunteering with children or adults.

3.4 The proposed policy clearly defines which groups or categories of peoples who work within the council to whom the checks will be applicable, and the criteria for when they apply.

3.5 Some of the key points to note within this policy are as follows:

- Three types of disclosure available are specified and explained
- The policy defines what is generally meant by a regulated activity relating to children and adults
- The policy specifies the six categories of people who fall under the new definition of regulated activity
- The use of DBS as part of the pre employment checks during the recruitment process

4.0 Implementation date

4.1 It is recommended that the policy becomes live with immediate effect. A communications plan will be developed to support the roll out of the policy and guidance for managers to support implementation of new arrangements.

5.0 Financial Implications

5.1 Associated costs for the administering of DBS checks will be met from within People and Development existing budgets.

6.0 Legal Implications

6.1 The policy is underpinned by the Rehabilitation of Offenders Act (ROA) 1974. This takes into account that individuals with spent convictions who apply for jobs outside the rehabilitation period can respond (if asked) that they do not have convictions. This is so long as the type of job does not exempt them from this.

6.2 Whilst it is not an offence to submit to the DBS applications for standard and / or enhanced checks of roles that do not meet the criteria for such checks, the DBS may reject processing the request and they may remove a body's registered status to submit applications to them direct thereby forcing the employer to use a third party agency to submit applications on their behalf.

7.0 Diversity Implications

7.1 The council will adhere to the legislative requirements in respect of DBS checks undertaken.

7.2 DBS standard and / or enhanced checks are determined by statute and therefore the decision to carry out a check is not discretionary, the decision for a check is not based on any of the 9 equality strands of the Equality Act 2010 relating to individuals, but on the duties of the role.

7.3 Basic checks will be conducted in the following cases: i. roles with access to social services client information; ii. roles required to oversee and transfer electoral data and roles which require Baseline Personnel Security Standard (BPSS) checks. The decision to carry out a check is based on the duties of the role and not the demographic composition of individual post holders.

8.0 Staffing/Accommodation Implications

8.1 None.

Background Papers

Draft DBS Policy and Procedure is appended to this report.

Contact Officer

Cara Davani, Operational Director, HR