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DISCLOSURE & BARRING SERVICE POLICY



baseGreen



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POL6-DBS – Disclosure and Barring Service (DBS) Policy Classification

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POL6-DBS – Disclosure and Barring Service (DBS) Policy Classification

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POL6-DBS – Disclosure and Barring Service (DBS) Policy

Classification

1. Index

Section No.	Description	Page No.
1.	Index	3
2.	Scope and Application	3
3.	Responsibilities	4
4.	Introduction	5
5.	Enhanced DBS and barred list Re-checks for employees	5
6.	Current Posts	6
7.	New Posts	6
8.	Safer recruitment	6
9.	After Recruitment	7
10.	Applicants with Adverse Disclosures	7
11.	Employees with Adverse Disclosures	8
12.	Agency Workers	9
13.	Volunteers	9
14.	Gender Recognition Certificates	10
15.	Complaints	11
16.	Monitoring and Reporting	11



2. Scope and Application

This procedure applies to all Company personnel and facilities

Failure to comply with the requirements of this procedure may result in investigation and subsequent formal action in line with the Company's Capability and Disciplinary procedures.

3. Responsibilities

CEO

Has overall responsibility for setting and directing: quality, environmental, safety and health, business continuity and information security policy and for ensuring the appropriate resources are available.

Is responsible for setting Company objectives and allocating adequate resources to meet those objectives.

Directors

Are responsible for ensuring that all SMS requirements are established, implemented, maintained and continually improved in accordance with the standards to which the Company subscribes and the legislation relative to the Company's operations.

Is responsible for ensuring that policies, procedures and associated documentation together with the required systems and associated training are developed and cascaded to individual teams.

Are responsible for reviewing, issuing and amending all SMS documentation and for providing information and training at all levels of the Company.

Are responsible for assessing compliance with this procedure during all internal audits.

Document Owners

Are responsible for all SMS documentation relevant to their department or area of work.

Document Authors

Are responsible for ensuring that they follow the style guide and process defined within the procedure when producing new or revising existing, SMS documentation.

All Team Members

Are responsible for ensuring they understand Company policy and procedures and follow the processes at all times.



4. Introduction

risk of harm to vulnerable groups including children. In cases where the organisation believes the person has committed a criminal offence, information will also be forwarded to the police at the earliest opportunity.

5. Enhanced DBS and barred list Re-checks for employees

To ensure the safety of learners, employers and employees, the organisation may conduct regular checks for all roles which are deemed to require a DBS check. Basegreen Academy can legally re-check their staff as regularly as they wish to. Registration for the update service must be performed as a personal registration and cannot be processed on behalf of the employee. Therefore, the organisation does not mandate registration as a requirement. Once a DBS check has been conducted, employees may register for the update service, at their discretion, within 30 days of certificate issue. If a re-check of an employee's DBS is required, the organisation will perform a new check at their expense. However, if an employee has registered for the update service and permits the organisation to perform a status check on their DBS, the update service will be used as opposed to submitting a new check.

A status check allows organisations to see if any relevant information has been identified about the individual since their certificate was last issued. The outcome of a valid status check will be one of the following:

- This certificate did not reveal any information and remains current as no further information has been identified since its issue. This means that the individual's certificate contains no criminality or barring information and no new information is available.
- This certificate remains current as no further information has been identified since its issue. This means that the individual's Certificate did contain criminality or barring information and no new information is available.
- This certificate is no longer current. Please apply for a new DBS check to get the most up to date information. This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

If the online status check reveals a change in the disclosure status, then a re-check will be required.

Whilst the organisation may legally re-check their staff as frequently as they wish, Basegreen Academy will carry out a re-check for employees who are subject to a DBS check every three years, however, if there is a significant change in their role and duties or if their actions or activities give cause for concern a check may be necessary before the three year period.

The grounds for 'cause for concern' could include allegations of suspicious or inappropriate behaviour made by a child, vulnerable adult, another person, a colleague, parent, carer, or member of the public. In such instances, a full investigation of any such allegations will be conducted in accordance with the organisation's Disciplinary Policy. As part of the investigation process, the employee may be required to undergo an Enhanced DBS check. The organisation may consider legal advice in doing so.



Where, due to changes in legislation, occupational groups become subject to regulation for the first time, Basegreen will write to existing employees in those groups informing them of the requirement to obtain an Enhanced DBS check, this communication may be served by letter or email. All employees will be expected to comply. Any existing employee refusing to comply with the request for an enhanced DBS check will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued by an appropriate person and/or to comply with a contractual agreement will lead to the employee being subject to a disciplinary investigation.

6. Current Posts

Any position which involves regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18 is exempted from the provisions of the Rehabilitation of Offenders Act 1974, and the organisation will require them to hold an Enhanced DBS check. This includes volunteers, variable hours/casual, part-time and agency staff.

As DBS only send a copy of the Disclosure Certificate to the applicant, the organisation will request sight of the original from the individual.

Copies of DBS certificates are held on file electronically in a secure location with restricted access given only to those dealing with high level human resource.

7. New Posts

Basegreen Academy will establish on outset if a position comes under the current definition of regulated activity and is therefore mandatory to have an enhanced DBS check.

8. Safer recruitment

Safer recruitment training for new managers will be conducted as and when required. All regular hiring managers will receive safer recruitment training. 'Regular hiring manager' is defined as a manager who hires more frequently than two times in a 12-month period. In instances that a hiring manager is not defined as a 'regular hiring manager' a safer recruitment trained manager will form the interview panel. Please refer to the organisation's 'Safer Recruitment Policy'.

9. After Recruitment

As part of an employee's induction, new employees are made aware of their commitment to safeguarding children and vulnerable adults whilst employed at Basegreen Academy. It is mandatory for all roles that new staff complete the relevant safeguarding training within 6 weeks of employment.

All staff will be expected to undertake refresher training at the frequency determined by the organisation.

If, for operational reasons, someone starts prior to a DBS check being returned, a risk assessment must be completed by the Designated Safeguarding Lead or a trained senior manager.

- The risk assessment asks for confirmation that:
- A DBS check has been processed.



- All of the pre-employment checks have been conducted. For example: the identity of the job applicant is confirmed, references have been taken and verified.

The manager has introduced sufficient safeguards for the individual not to have unsupervised access to children or vulnerable adults. Only a current Basegreen Academy employee who has a satisfactory DBS check may provide supervision.

Only when a company Director formally approves the proposed supervisory arrangements may the individual commence employment with Basegreen Academy.

10. Applicants with Adverse Disclosures

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. The organisation will conduct recruitment processes and DBS checks in accordance the current filtering rules at the time of DBS check.

If a DBS check reveals details of convictions which may render the applicant unsuitable for the applied post the hiring manager will discuss the situation with the applicant in line with relevant codes of practice. A risk assessment will be completed, and the applicant will be asked to sign the risk assessment to verify the information provided and give permission for the risk assessment to be stored securely and later destroyed in accordance with retention and disposal policies. Risk assessments are conducted by the Designated Safeguarding Lead or a trained senior manager.

When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and in some cases, the organisation may wish to seek legal advice prior to discussing it with the applicant.

Having a conviction will not necessarily bar someone from employment with Basegreen Academy who will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests must be weighed against the rights and interests of the organisation, learner, employees and the public, including Basegreen Academy duties and responsibilities towards these or other groups. The organisation will not allow personal prejudices to 'cloud' judgement and good practice.

If the candidate has made a false declaration on their application form, then Basegreen Academy will not be able to confirm the appointment. If the disclosure certificate contains information that was not revealed by the candidate, or additional information from the police is received, it will be necessary to hold a further discussion with the candidate and undertake a further review against any risks before deciding to confirm or withdraw the offer of employment, legal advice will be sought at this point.

It is an offence for a barred person to work, apply to work, or offer to work in regulated activity with a group they are barred from working with. Candidates on the barred list will not be employed in regulated activity by Basegreen Academy. If the checks reveal that a candidate is on the barred List for regulated activity, the organisation will make a referral to DBS to notify them of an individual's attempt to apply for barred work.



11. Employees with Adverse Disclosures

Where existing employees, who have not been previously checked, or their post requires a re-check and subsequently have an adverse disclosure result, HR management will discuss the situation. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups, property/ information/ resources etc. depending on the nature of the disclosures and pending the outcome of a full investigation.

It may be that there are no suitable duties the employee could undertake during this period which do not bring them into contact with children and or vulnerable adults. If this is the case, the organisation will consider suspending the employee on full pay pending the outcome of the disciplinary investigation.

The employee may confirm or refute the information provided by the DBS, where this is the case, the organisation may pursue a range of options, and this may include further checking with the DBS.

When completing the risk assessment, it should be considered whether the conviction is relevant to the post and evidence of previous convictions should not be used to dismiss a person for poor job performance. The track record of the individual should be carefully assessed and if it is satisfactory, this should be considered positively. If the disclosure results are of a serious nature and prove to be correct, the organisation may consider various options. Options include:

- Termination of employment
- Redeployment pending the availability of a suitable vacancy
- The introduction of safeguards

Only after a full assessment of the situation including the risks involved and other alternative employment options investigated should dismissal be considered and then only after seeking legal advice. If the organisation decides to consider termination of employment, then the employee must be informed in writing and a hearing held in line with the organisation's disciplinary procedure.

If the disclosure results are considered not to be serious and do not impinge on an employee's ability to work in their existing role, the organisation will inform the employee accordingly in writing.

12. Agency Workers

The agency is legally the employer of any agency workers and the responsibility to obtain a relevant DBS check is theirs. This check can then be used within any organisation that the agency provides workers to



work within provided that it is for the same workforce. Basegreen Academy use agency workers infrequently, however, will undertake annual audits of the agencies to ensure they are compliant with the Basegreen Academy safeguarding requirements.

When using an agency worker, the hiring manager must ask to see written confirmation from the agency or a copy of the DBS check (this should be no more than one year old), to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the barred list (where applicable).

13. Volunteers

A volunteer is described as a person who performs an activity which involves spending time unpaid (except for travelling and approved out of pocket expenses) doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

Volunteers who assist on a regular basis in a role which meets the parameters for requiring a DBS check are required to undertake a DBS check, and if the role is also classed as Regulated Activity, they will be eligible for an enhanced DBS with barred list check. In this instance the DBS check is free to the volunteer.



N.B. Some people can be referred to as volunteers but do not actually meet the DBS' criteria to get a free disclosure check. To qualify for a free of charge disclosure, the applicant must not benefit directly from the position the DBS application is being submitted for. The applicant must not:

- receive any payment (except for travel and other approved out of pocket expenses).
- be on a placement/work experience.
- be on a course that requires them to do this job role; and/or
- be in a trainee position that will lead to a full-time role post qualification.

Volunteer roles should be properly described under 'role of applicant' on the DBS disclosure form e.g. 'volunteer education helper'.

14. Gender Recognition Certificates

The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender recognition certificate has been issued, the person is legally considered to be of the acquired gender.

If the person is required to undergo a DBS check as part of the recruitment process they must disclose any previous names and/or gender to the DBS who have established a special application procedure/dedicated contact officer to maintain confidentiality:

DBS - email: sensitive@dbs.gsi.gov.uk

Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any police authority, as a clear disclosure certificate is the ultimate result. However, if they did have convictions under their previous gender that were considered relevant to the post/position, then the individual's gender change would become evident through the provision of conviction information on the DBS disclosure certificate showing both gender names.

Data Protection

Basegreen Academy will ensure that sensitive personal information is held securely, and only seen by those entitled to see it in the course of their duties. Under section 124 of The Police Act 1997 it is a criminal offence to pass disclosure information about a spent conviction to anyone who is not entitled to receive it. Serious misuse of a person's criminal record could result in a prison sentence of up to six months or a fine of up to £1,000, or both.



15. Complaints

Applicants unhappy with any aspect of the DBS process, including the application of this policy, should initially raise their concerns through the hiring manager or if this person is the source of the complaint to hello@basegreen.co.uk

The above complaints procedure is intended to deal with the organisation's own internal processes. Complaints relating to mistaken identity, or the nature of the information given in a criminal record disclosure can only be dealt with by the Disclosure and Barring Service.

16. Monitoring and Reporting

Compliance with the policy will be monitored by the Shared Services Manager reporting to the Director as required and at least annually.

- Related Policies
- Safer Recruitment Policy
- Equal Opportunities Policy
- Grievance Policy & Procedure
- Data Protection Policy



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