

PERSONNEL COMMITTEE – 31ST JANUARY 2017

Report of the Head of Strategic Support

Part A

ITEM 5 DISCLOSURE AND BARRING SERVICE

Purpose of Report

To gain Personnel Committee approval on the proposed revisions to the policies and documents relating to the Disclosure and Barring Service (DBS), including the Recruitment and Selection policy.

Recommendation

That Personnel Committee agree the proposed amendments to the documents relating to the Disclosure and Barring Service (DBS) and related policy.

Reason

To provide managers with clear and current information on the requirements of the Disclosure and Barring Service which meet legislative requirements and recommended best practice.

Policy Justification and Previous Decisions

The current DBS policies were agreed by Personnel Committee at various dates including 13th June 2013 and 11th February 2014. It is proposed that these documents be amended as outlined further in this report.

Implementation Timetable including Future Decisions

The revised Disclosure and Barring Service policies and associated amendments to the Recruitment and Selection Policy will be uploaded to the intranet following the agreement of Personnel Committee.

Report Implications

The following implications have been identified for this report

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Background Papers: None

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Part B

Background

1. The Council currently has a range of documents available relating to the DBS process on the intranet. These documents have been reviewed to ensure they are up to date and the information is easily accessible and understandable for managers and employees.

Proposals

2. New Document Replacing Current Documents

In order to simplify the documents available to managers and employees, a main document has been produced, taking account of the key and relevant information from a range of the current policies. It is proposed that the Guidance for Managers on the DBS process replaces the following current documents available on the intranet:

NEW	REPLACES
Guidance for Managers on the DBS process.	<p>Policy statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information.</p> <p>Guidance for Managers on who needs a DBS check and the definition of a “regulated activity”.</p> <p>How to Make an Application for a Check.</p> <p>Guidance on the retention of DBS Information.</p>

3. New Documents

The documents outlined below are new documents and do not replace any current documents:

- DBS Online Tracking Service (Useful Link)
- DBS Update Service (Useful Link)

4. Deleted Documents

- Documents outlined in the section DBS Changes – with effect from 17th June 2013.

5. Retained Documents

- List of DBS posts

- List of Valid DBS Identity Documents
- Guidance and Policy for Applicants on Spent or Ignored Convictions, Disclosure of Criminal Records and Recruitment of Ex-offenders.

6. Document for Customer Services

At Charnwood it is the responsibility of the Customer Service Team to process the DBS Applications. The current Guidance for Managers on the requirements for checking an applicant's identity has been updated to support the Customer Service Team to undertake their role. It is not proposed that this document be available to managers and employees on the intranet, as it is not relevant to their roles in relation to DBS.

7. Future Amendments

It is proposed that some related documents be reviewed in the future. This includes:

- Criminal Record Impact Assessment Guidance
- Criminal Record Impact Assessment Form Part 1 and Part 2

8. Recruitment and Selection Policy

The Recruitment and Selection policy has been amended to reflect the DBS process outlined in the revised documents. The amendment relates to the DBS section only and the relevant section is attached as an appendix to this report.

9. Consultation

The proposed amendments were agreed at the SMT meeting on 27th July 2016 and JMTUM on 1st December 2016.

10. Annexes

Annex A - Guidance for Managers on the DBS Process

Annex B - Guidance on DBS identification checking requirements and process

Annex C - Recruitment and Selection Policy – DBS Section amendments



Guidance for Managers on the DBS Process

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Purpose

East Midlands Shared Services, as a registered body with the Disclosure and Barring Service (DBS), previously the Criminal Records Bureau and the Independent Safeguarding Authority, acts as an Umbrella Body of the Disclosure & Barring Service (DBS) undertaking DBS Disclosure checks on behalf of the Borough Council. They have a legal obligation to only undertake DBS checks (previously known as CRB checks) that fall within the scope of the relevant legislation. This guidance provides advice to managers on which posts within the Council are eligible for a DBS check and the level of check that is required.

Additionally, Charnwood Borough Council has now adopted the online DBS application process for candidates with provisional job offers subject to DBS checks and for existing staff requiring periodic rechecking.

Charnwood Borough Council and Leicestershire County Council comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Certificates and Certificate Information. The organisations also comply fully with their obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Certificate information.

Guidance for Managers on Who Requires a DBS Check

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Who Requires a DBS Check

To ensure that checks are only requested for eligible posts, a review has been undertaken of all roles within the Council to determine whether or not each post is eligible for a DBS check and the level of check that should be undertaken. A copy of this list is available on intranet by clicking [here](#). If a post is missing from the list, please contact Human Resources to arrange for the post's details to be added to the list.

A flowchart is available at [Appendix A](#) to help managers establish which, if any, level of check is required for a role. Managers should refer to this flowchart when creating a new post or amending the duties of an existing post so that the correct information can be included in the job profile.

Five different types of check are available:

- **Enhanced DBS Check for Regulated Activity (Children)** - For posts undertaking regulated activity relating to children (see [Appendix B](#)). This check involves a check of the Police National Computer, information held locally by police forces, and the children's barred list.
- **Enhanced DBS Check for Regulated Activity (Adults)** - For posts undertaking regulated activity relating to adults (See [Appendix B](#)). This check involves a check of the Police National Computer, information held locally by police forces, and the adult's barred list.
- **Enhanced Check for Regulated Activity (Children and Adults)** - For posts undertaking regulated activity relating to both children and adults (see [Appendix B](#)). This check involves a check of the Police National Computer, information held locally by police forces, and both the children's and adult's barred lists.
- **Enhanced DBS Check** - For posts that meet the pre-September 2012 definition of regulated activity (see [Appendix C](#)). This check involves a check of the Police National Computer and information held locally by police forces.
- **Standard DBS Check** - For posts included in the [Rehabilitation of Offenders Act \(ROA\) 1974 \(Exceptions\) Order 1975](#) (e.g. court officers, roles within a prison). This check involves a check of the Police National Computer.

It is an offence for the Council to request a children's and/or adult's barred list check where the post does not meet the current definition of a 'regulated activity' (see [Appendix B](#)).
A barred list check is only requested for eligible posts.

Please note that a DBS check cannot be requested for an employee or volunteer who is under 16 years of age.

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How To Make An Application for an Online DBS Application

New Starter Process - Completing the online DBS Application

For new starters, Human Resources will issue a provisional offer letter outlining that the manager will support the employee in completing an online DBS Application.

Managers should advise the individual to go to Charnwood Customer Service Centre to complete an online DBS application. Managers will need to refer applicants to the [List of Valid DBS Identity Documents](#) and advise the applicant that they will need to attend their appointment with the required documents.

At the appointment a Customer Services Advisor will verify the documents and enter the details from these onto the online form.

Once the details have been entered by the Customer Services Advisor, the applicant will be emailed a link to complete the rest of the form and declaration from their preferred email address (home, work, etc.) to complete the remainder of the form. Once completed, the Customer Service Advisor will submit it to the EMSS Employee Service Centre (ESC), who will then 'release' this direct to DBS.

Once a DBS check has been completed, a disclosure certificate will be sent directly to the individual and the manager will be notified by the Customer Services administration team. The Council does not receive a copy of the certificate. Managers are therefore required to ask the applicant (or the current employee if it is a recheck) to bring their **original** disclosure certificate in for inspection as soon as it is received by them.

If an applicant or existing employee fails to provide their certificate, advice should be sought from Human Resources.

The manager will then need to complete the [New Appointment Checklist](#). Once all details on that checklist have been completed, the manager will need to notify HR in order for the appointment process to continue.

Human Resources will then record disclosure information onto i-Trent from the New Appointment Checklist.

Existing Employees – Recheck

Managers will be notified when an existing employee requires a re-check. This occurs every 3 years.

The process outlined above will be the same for re-checking existing employees, with the exception of specific information relating to new starters (i.e. provisional offer letter, new appointment checklist). The manager will need to notify Human Resources of the Disclosure Number and Date of Issue alongside confirmation that they have seen the original disclosure document.

Issues raised on Disclosure

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If the disclosure is not clear the Recruiting Manager will be required to do an Impact Assessment, details of which are available on the Intranet by [clicking here](#). Advice should be sought from Human Resources in this circumstance.

Portability of DBS Certificates

All employees or volunteers working in posts requiring a DBS check must have a DBS check undertaken by Charnwood Borough Council unless they are registered with the [DBS update service](#).

Existing Employees

Where an employee already has a DBS certificate for a post with the Council and moves to another position within the organisation that requires a DBS check, the original disclosure certificate should be accepted provided that the following criteria are met:

- The type of disclosure (i.e. level and workforce type) for the old post is the same as for the new post. If the original DBS check covered 'child and adult workforce', this certificate **cannot** be accepted if the new post only works with one of these groups;
- The employee has not had a break in service of more than 3 months. This does not apply where the individual has signed up to the [DBS update service](#).

Where the employee has had a break in service for 3 months or less, the manager should undertake a risk assessment to ensure that they are satisfied that they have sufficient information regarding the break (e.g. explanation of any gaps, references to cover any interim employment, etc.). Depending on when the employee's existing certificate was issued, it may be appropriate to ensure that a new check is completed prior to the individual commencing in the role.

Volunteers

Where a volunteer is due to move into paid employment, a new DBS application **must** be submitted. The volunteer certificate is not transferrable to the paid role even if it is for the same workforce type and level of check.

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DBS Update Service

If an individual is registered with the DBS update service, managers can carry out a free online [status check](#) to confirm if the DBS certificate is valid and if any new information has come to light since the certificate was issued. The individual will be able to see who has carried out the status check and when the check was undertaken from their online account.

Prior to submitting a request, the manager must:

- Obtain permission from the individual to carry out the check;

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- Check the individual's identity and ensure that the name on the certificate matches this identity;
- Ensure that the certificate has been issued for the appropriate workforce and, if required, the certificate identifies that the relevant barred list check has been undertaken:
 - **Child Workforce** - any position that involves working / volunteering with children;
 - **Adult Workforce** - any position that involves working / volunteering with adults;
 - **Child and Adult Workforce** - any position that involves working / volunteering with children and adults;
 - **Other Workforce** - any position that does not involve working / volunteering with children or adults (e.g. security guard).

If the original DBS certificate is for a different level of check and/or type of workforce then the manager is not entitled to undertake the status check.

When completing the check, the manager will need to enter their name and the organisation's name together with the applicant's surname, date of birth and the DBS certificate number (as specified on the DBS certificate).

Once the status check is complete one of the following four results will appear instantly:

- 1. This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the original certificate was blank and did not reveal any information about the person and no new information has been found since its issue. The certificate can therefore be accepted as being still current and valid.
- 2. This DBS certificate remains current as no further information has been identified since its issue.** This means that the original certificate revealed information about the person and no new information has been found since its issue. The certificate can therefore be accepted as being still current and valid.
- 3. This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.** This means that new information has come to light since the original certificate was issued. A new DBS check is required to see this new information.
- 4. The details entered do not match those held on our system. Please check and try again.** This means either, the individual has not subscribed to the update service, the DBS certificate has been removed from the update service, or incorrect information has been entered.

The manager should print out the result and attach it to the [New Appointment Checklist](#). For existing employees managers should notify Human Resources of the details.

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Checking Overseas Applicants and UK Applicants Who Have Lived Abroad

The DBS are able to check applicants from overseas but cannot access criminal records held overseas. Only convictions recorded in the UK will be revealed. However, in a small number of cases, overseas criminal records are also held on the Police National Computer and these would be revealed as part of a DBS check.

If an individual, irrespective of nationality, has lived outside of the UK, managers should ask them to get a criminal record check, or 'Certificate of Good Character', from their country of origin or residence. In some cases it may also be possible for employers to get such a check through the relevant embassy in the UK but the applicant must give their permission. The process for applying for a criminal record check for someone from overseas varies between countries. For further information on the relevant application process please click [here](#). This does not apply to members of the UK armed forces and their families that were stationed overseas.

Where an applicant is from or has lived in a country where criminal record checks for child protection purposes cannot be made, or is a refugee with leave to remain in the UK and has no means of obtaining the relevant information, extra care must be taken when checking references and carrying out other background checks (e.g. additional references **must** be sought and references **must** be followed up by a telephone call as well as a letter).

Information Shown on a DBS Disclosure Certificate

If a DBS check reveals details of a conviction, caution, reprimand and/or warning, the manager will need to assess whether there is any impact on the individual's suitability to undertake the role applied for or them remaining in their current role. Further information on the process that must be followed is available on the intranet by clicking [here](#).

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Starting Employment

DBS clearance for employees should be received before the individual commences work. Only in very exceptional circumstances should an employee commence work without a DBS certificate. This should be with the agreement of the Strategic Director. Please refer to the [Recruitment and Selection Policy](#) for further information.

Managers should note that where a volunteer requires DBS clearance this **must be received before** they start with the Council.

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Retention and Disposal of DBS Disclosure Information

Managers **must not** copy the contents of, or retain a copy of, a DBS certificate. This would be contrary to the Council's policy, an infringement of the Data Protection Act and the Human Rights of the individual.

Instead a record of the date of issue, the disclosure reference number, the type of certificate and the post for which it relates should be retained on the employee's personal file and recorded on i-Trent. Managers must provide this information to Human Resources.

Certificate information is kept securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

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.

Charnwood Borough Council undertakes only to use certificate information for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Re-Checking of DBS Certificates

The Council's policy is to re-check DBS certificates every 3 years. As part of the PDR process, managers are responsible for ensuring that an employee's check is current and renewed when appropriate. Managers must ensure that re-check requests are submitted at least 2 months before the current DBS certificate is due to expire.

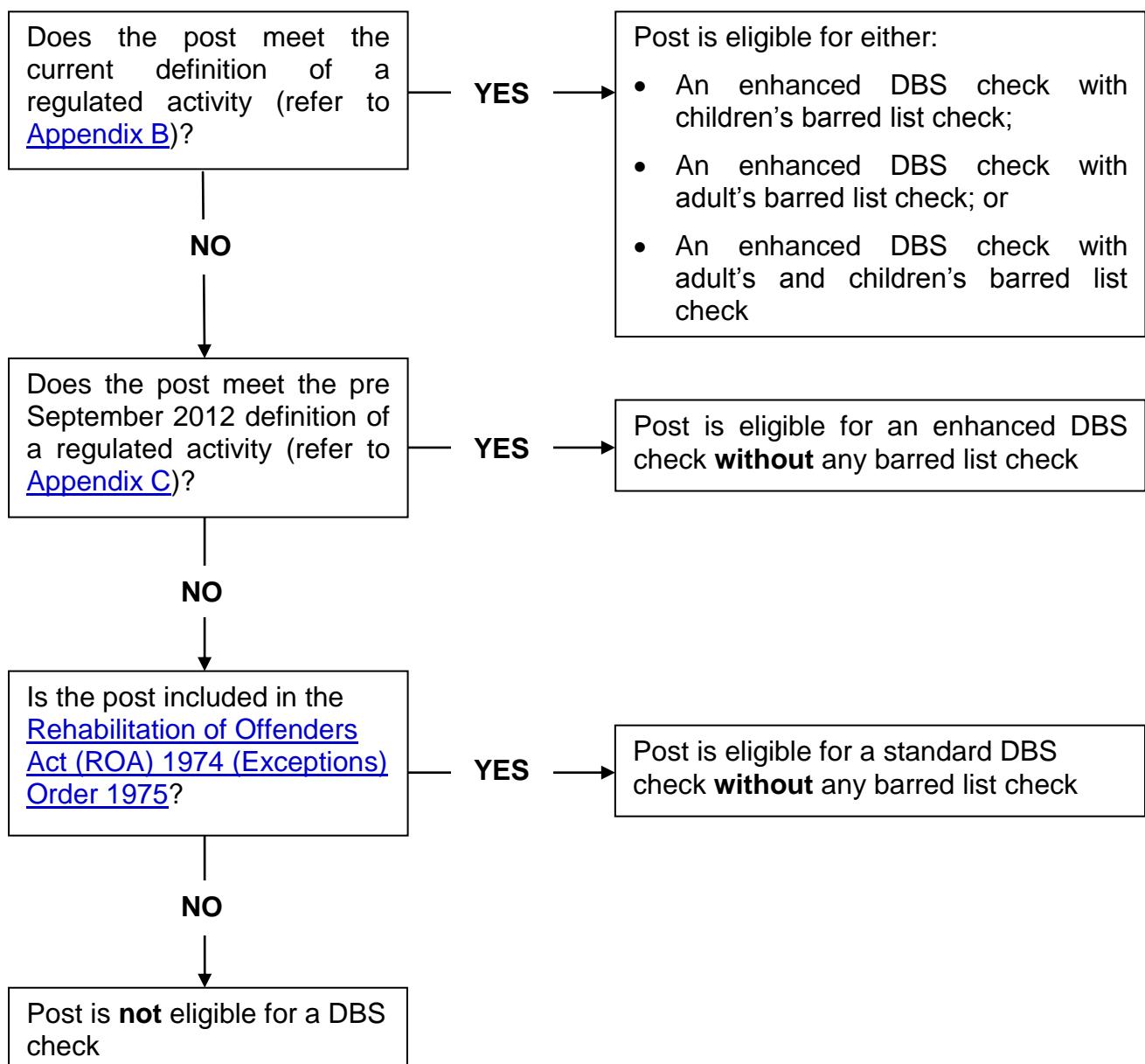
Where an employee is registered with the DBS update service, managers should complete the online status check every 3 years, ensuring that they obtain permission from the employee prior to undertaking the check. Once a status check has been completed, the manager should print out the result and forward it to Strategic HR for retention on the employee's personal file.

Referral to the Disclosure and Barring Service

The Council has a legal duty to make a referral to the Disclosure and Barring Service when an employee or volunteer has been dismissed or removed from working in regulated activity because they have caused harm or pose a risk of harm to a child or vulnerable adult. In these situations, managers should contact Strategic HR for advice on, and support with, submitting the referral.

Appendix A - DBS Check Flowchart

This flowchart can be used to determine whether a DBS check is required.



Appendix B - Current Definition of a Regulated Activity

Posts Working With Children

An enhanced DBS check **with a children's barred list check** is required where the role, whether paid or unpaid, involves:

- Teaching, training, instructing, caring for or supervising children;
- Providing advice/guidance to children relating to their physical, emotional or educational well-being;
- Driving a vehicle for children only;
- Working for a limited range of establishments (see 'specified places' list below) with the opportunity for contact with children.

To qualify as a regulated activity the above work **must** be undertaken on a regular basis (i.e. once a week or more, overnight between 2am and 6am, or on 4 or more occasions in a 30 day period) and be unsupervised. Guidance on supervision is available in Appendix D by clicking [here](#).

- Providing relevant personal care (e.g. washing or dressing a child, or health care by, or supervised by, a professional), even if the activity is only undertaken once;
- Registered child-minders and foster carers.

The above activities do not include those undertaken by family members or personal, non-commercial arrangements (i.e. where no money changes hands or any money that does change hands is not part of a commercial relationship).

- The day to day management or supervision of an individual who is engaging in regulated activity.

Specified Places:

- Schools and colleges wholly or mainly for under 18 year olds (all or mainly full-time, for children);
- Pupil referral units (also known as Short Stay Schools) not falling within the above;
- Nursery schools;
- Institutions for the detention of children;
- Children's homes;

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- Children's centres in England;
- Childcare premises (including nurseries).

Posts Working With Adults

An enhanced DBS check **with an adult's barred list check** is required where the role, whether paid or unpaid, involves:

- Providing personal care (i.e. assisting an individual with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails) because of the adult's age, illness or disability. This applies where the individual provides physical assistance to the adult, prompts and then supervises the adult or trains or instructs the adult to complete these tasks;
- The provision of social work by a regulated social worker. These activities include assessing or reviewing the need for health or social care services, and providing ongoing support to the adult;
- Transporting an adult because of their age, illness or disability to, from or between places where they have received, or will be receiving, health care, personal care or social work. This does not include taxi or licensed private hire drivers;
- Providing assistance with managing an adult's cash, paying their bills or shopping on their behalf because of their age, illness or disability;
- Assisting with the conduct of an adult's own affairs (e.g. lasting or enduring powers of attorney, or deputies appointed under the Mental Health Act 2005);
- The provision of health care by a regulated health care professional or by an individual under the direction or supervision of one (e.g. doctors, nurses, health care assistants and physiotherapists);
- The day to day management or supervision of an individual who is engaging in regulated activity.

The above activities qualify as regulated activity even if they are only undertaken once. They do not include those undertaken by family members or personal, non-commercial arrangements (i.e. where no money changes hands or any money that does change hands is not part of a commercial relationship).

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Appendix C - Definition of a Regulated Activity Prior to 10th September 2012

An enhanced DBS check **without** a barred list check can be requested for the following roles, whether paid or unpaid:

- Teaching, training, instructing, caring for or supervising children or vulnerable adults (e.g. children's sports coaches, private tutors, teachers, probation officers, prison officers, care workers, speech therapists and youth workers);
- Providing advice or guidance to children or vulnerable adults (e.g. children's mentors, counsellors, children's careers advisers, voluntary or other independent organisations that provide advice or support to older people or disabled people, individuals who visit vulnerable adults to offer assistance);
- Any form of health care treatment or therapy provided to a child or vulnerable adult (e.g. health care professionals, therapists, health care assistants in both hospital and community settings. It does not include first aid treatment where the provision of first aid is an ancillary role to the individual's main occupation);
- Driving a vehicle that is being used for the specific purpose of transporting children or vulnerable adults (e.g. minibus/bus drivers taking children to or from school or vulnerable adults to day centres);
- Working in a specified place (see list below) where there is the opportunity for contact with children or vulnerable adults. Activities include teaching, training and instructing, as well as catering, cleaning, administrative and maintenance workers or contractors;
- Registered child-minders and foster carers;
- School governor or director of children's or adult social services;
- Roles that involve managing, on a regular basis, the day-to-day work of those carrying out the above activities or working in specified places or settings.

The above activities only qualify as regulated activity if they are undertaken on a frequent (i.e. once a month or more) or intensive (3 days or more in a 30 day period) basis. They do not include those undertaken by family members or personal, non-commercial arrangements (i.e. where no money changes hands or any money that does change hands is not part of a commercial relationship).

Specified Places:

- Schools (educational institutions exclusively or mainly for the provision of full-time education to under-18s);

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- Childcare premises (including nurseries);
- Residential homes for children in care;
- Children's hospitals (hospitals exclusively or mainly for the reception and treatment of children);
- Children's detention centres (institutions exclusively or mainly for the detention of children);
- Children's centres;
- Adult care homes.

Definition of a Vulnerable Adult

A vulnerable adult is defined by the Safeguarding Vulnerable Groups Act 2006 as a person who is aged 18 years or over and who is:

- Living in residential accommodation, such as a care home or a residential special school, or sheltered housing;
- Receiving domiciliary care in their own home;
- Receiving any form of health care;
- Detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999);
- Under the supervision of the probation services;
- Receiving a welfare service defined as the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so;
- Receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability;
- An expectant or nursing mother living in residential care;
- Receiving direct payments from a local authority or health and social care trust in lieu of social care services.

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Appendix D - Supervision of Activity with Children

The following statutory guidance published by the Secretary of State sets out the supervision requirements that **must** be in place so that an individual working in a post that would meet the definition of regulated activity if unsupervised will not be deemed to be undertaking regulated activity.

Under the legislation, there are three key points:

1. **The individual must be supervised by a person who is in regulated activity¹;**
2. **The supervision must be regular and day to day.** Supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an on-going basis, whether the worker has just started or has been doing the activity for some time; and
3. **The supervision must be “reasonable in all the circumstances to ensure the protection of children”.** The following factors should be considered when deciding on the specific level of supervision the organisation will require in an individual case:
 - Ages of the children, including whether their ages differ widely;
 - Number of children that the individual is working with;
 - Whether or not other workers are helping to look after the children;
 - The nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
 - How vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
 - The number of workers that would be supervised by each supervising worker.

Examples:

¹ If the work is in a specified place, paid workers remain in regulated activity even if supervised.

Volunteer, in a Specified Place

Mr Jones, a new volunteer, helps adults in an adult care home for two mornings a week. He is generally based in the care home, in sight of the manager. Sometimes Mr Jones takes some of the adults to a separate room to work with them, where Mr Jones is supervised by a paid support worker, who is in that room most of the time. The manager and support worker are in regulated activity. The manager of the adult care home will need to decide whether the supervision is such that Mr Jones is not in regulated activity.

Volunteer, not in a Specified Place

Mr Wood, a new volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club manager will need to decide whether the head coach's supervision is such that Mr Wood is not in regulated activity.

Employee, not in a Specified Place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children and is supervised by the youth club leader who is in regulated activity. The youth club manager will need to decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation should use the following steps when deciding whether a worker is supervised to such a level that the worker is not in regulated activity:

- Consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- Consider whether the worker will be supervised by a person in regulated activity and whether the supervision will be regular and day to day;
- Consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children; and
- If it is a specified place such as a school, consider whether the supervised worker is a volunteer².

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² A volunteer is a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.



Guidance on DBS Identification Checking Requirements & Process

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Purpose

The purpose of this guidance is to set out the identity checking standards, documentation requirements and processes to verify an individual's identity as part of an online DBS application.

Scope

This guidance applies to all individuals responsible for verifying an applicant's identity for the purpose of a volunteer or employee DBS check.

ID Checking Requirements

All documents should be checked for any signs of tampering, amendment or damage, especially in the areas of personal details such as name and photograph, documents should be queried if they raise any cause for concern. Specific guidance on checking a variety of documents can be found in [Appendix C](#).

In order to meet the necessary DBS standards of ID checking the following must be ensured before validating an applicant's identity by completing the online check;

1. Only accept current, valid and original documentation.
2. Do not accept photocopies.
3. Do not accept documentation printed from the internet (e.g. bank statements).
4. Identity information including the applicant's name, date of birth and address recorded at stage 1 of the application must be checked against the documentation provided.
5. In the first instance, documents with photographic identity (e.g. passport, photocard driving licence, etc.) should be sought and compared against the applicant's likeness.
6. All documents must be in the applicant's current name as recorded at stage 1 of the application.
7. One document must confirm the applicant's date of birth as recorded at stage 1 of the application.

8. Ensure the applicant declares all previous name changes and provides documentary proof to support the change of name. If the applicant is unable to provide proof, a probing discussion should be conducted with the applicant to establish the reasons why, before considering validating their identity.
9. At least one document must confirm the applicant's current address as recorded at stage 1 of the application.
10. A document from each of the groups should only be included in the document and will count once (e.g. do not accept two bank statements as two of the required documents if they are from the same bank).
11. Do not accept the foreign equivalent of an identity document if that document is listed as 'UK' on the list of valid identity documents.

Applicants who have been adopted

If an applicant was adopted before the age of 10 they do not need to provide their surname at birth in stage 1 of the application, they should provide their adoptive name.

Applicants who have changed their name more than twice

Record all previous names on the online application form by selecting 'click to enter more forenames' and/or 'click to enter more surnames'.

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Three Routes of ID Checking

DBS procedures to verify an individual's identity stipulate the use of the three route process; these ID checking routes have been incorporated into the Councils online system. When verifying an individual's identity please note;

- Routes one to three must be attempted in order, only moving to the next route if it has not been possible to validate documentation.
- Seek advice from Strategic HR before proceeding to the next route.
- **All applicants must initially be considered using route one.**
- A quick reference guide to the type and number of documents required by each route is detailed in [Appendix A](#).

Route One

To satisfy this route, a total of 3 documents must be provided by the applicant:

- 1 document from [group 1](#); and
- 2 further documents from [group 1](#), [2a](#) or [2b](#). At least one of these documents must confirm the applicant's current address.

European Economic Area (EEA) Nationals (Non-UK) who have been resident in the UK for 5 years or less should have their identity verified through the checking of a current passport or UK photocard driving licence plus 2 further documents. If a group 1 document cannot be produced by the individual, advice must be sought from Strategic HR before proceeding to route two. Non-EEA Nationals must be validated via route one only.

Route Two

Route two should only be used if the applicant is unable to provide any of the identity documents listed in [group 1](#). To satisfy route two, a total of 3 documents must be provided by the applicant:

- 1 document from [group 2a](#); and
- 2 further documents from [group 2a](#) or [2b](#). At least one of these documents must confirm the applicant's current address;

An external ID validation check is also required; the relevant section of the online application must be completed. This process will check the individual's name and living history footprint, a decision detailing a pass or fail result will be displayed on the screen along with an email notification.

Route Three

Route three should only be used if the applicant's identity has not been successfully validated via route two, advice must be sought from Human Resources before proceeding.

You must meet with the applicant to discuss why they have not met the route one or two identity requirements, any recent or previous name change which has not already been declared and any other reason for the lack of identity verification. You must take notes of the meeting and retain them to satisfy the Council's responsibilities under DBS standards.

For route three, the applicant must provide:

- A birth certificate (UK and Channel Islands) issued after the time of birth by the General Register Office/relevant authority (i.e. Registrars);
- 1 document from [group 2a](#); and
- 3 further documents from [group 2a](#) or [2b](#). At least one of these documents must confirm the applicant's current address.

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Unable to Check ID via Routes One to Three

If you have not been able to verify an applicant's identity using route one, two or three, advice must be sought from Human Resources. You should then contact the EMSS Service desk to request a paper DBS application form, line W59 must be marked with the word "No". A continuation sheet will also need to be completed for applicants who have changed their name more than three times.

The applicant should be advised that the DBS will contact them to request consent for their fingerprints to be taken by the police. Once consent is given, the DBS will advise the applicant of when and where to attend for this to be completed.

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Suspected False Identity or Documents

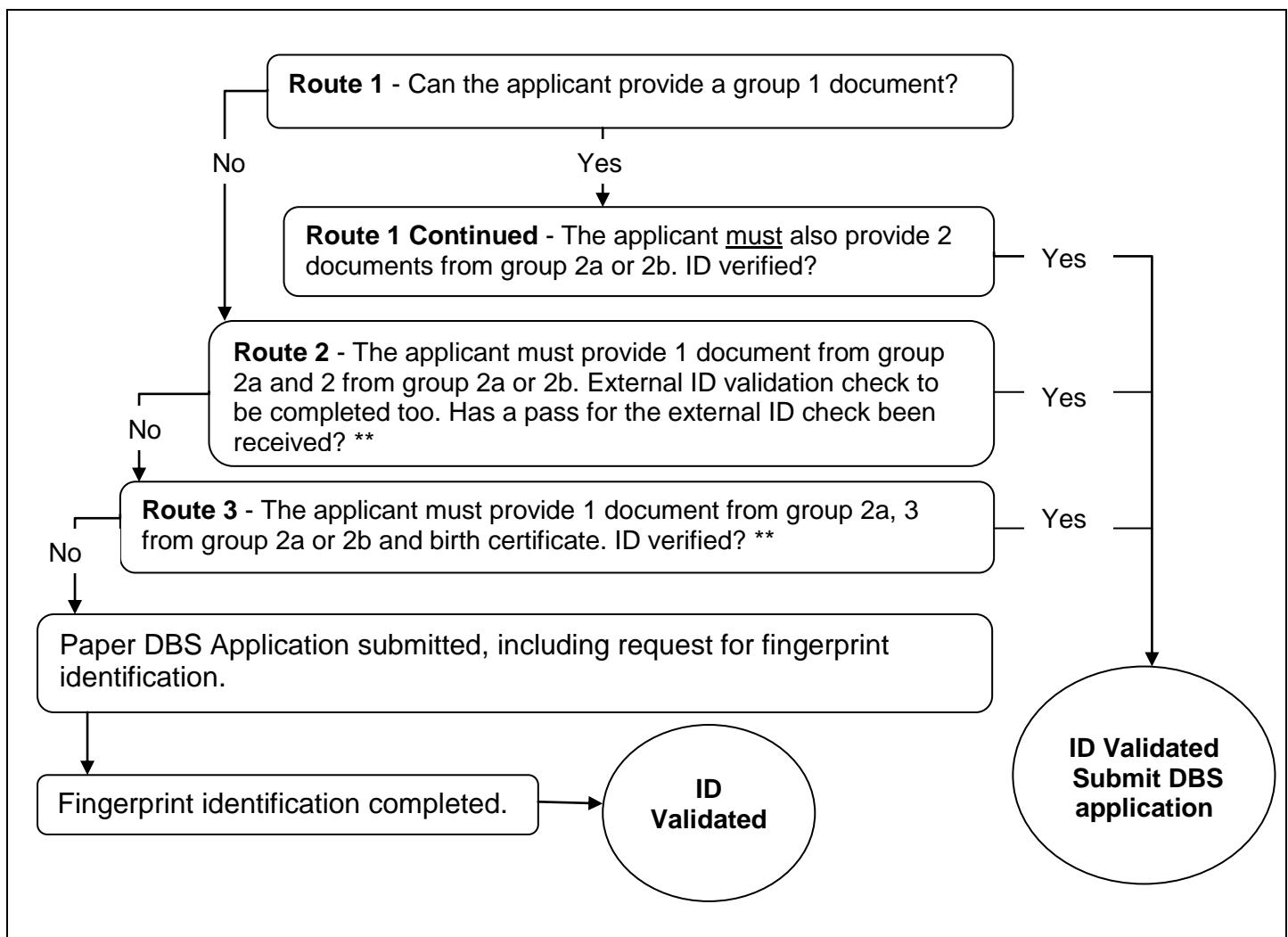
If you suspect that an applicant has presented a false identity or documentation, do not continue with the application process and contact Human Resources for advice.

Appendix A – Quick Reference Guide and Flowchart to Routes One to Three

ID validation must be attempted in order. If you are unable to validate via Route 1, move to Route 2. If you are unable to validate via Route 2, move to Route 3.

Route	Total number of documents to be checked	Group 1	Group 2a	Group 2b
One	3 documents*	1 document	2 documents	
Two	3 documents* <u>and</u> external ID verification check	none	1 document	
			2 documents	
Three	4 documents* <u>and</u> birth certificate	none	1 document	
			3 documents	

*At least one document must confirm the applicant's current address



** If ID verification cannot be satisfied by this route, contact Strategic HR before proceeding.

Appendix B – Types of ID by Group 1, 2a and 2b

Group 1 – Primary identity documents	
Passport	Any current and valid passport
Biometric residence permit	UK
Current valid driving licence photocard	Full or provisional - UK, Isle of Man, Channel Islands and EU
Birth certificate	Issued at time of birth - UK and Channel Islands - including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
Adoption Certificate	UK and Channel Islands

Group 2a – Trusted government documents	
Current valid driving licence photocard	Full or provisional - All countries outside the EU (excluding Isle of Man and Channel Islands)
Current valid driving licence paper version	If issued before 1998, Full or provisional - UK, Isle of Man, Channel Islands and EU
Birth certificate	Issued after time of birth - UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

Group 2b – Financial and social history documents		
Mortgage statement	UK or EEA	Issued in last 12 months
Bank / Building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank / Building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months

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Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit / visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement	e.g. Child Benefit, Pension - UK	Issued in last 3 months
Central / Local government / Government agency / Local council document giving entitlement,	e.g. from the Department for Work and Pensions, the Employment Service, HMRC - UK and Channel Islands	Issued in last 3 months
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid

Appendix C – How to Check Specific Types of ID

Photocard driving licence	
EU photo identity card	Examine the card for evidence of photo tampering or any amendment of the printed details.
HM Forces ID card	
Passport	<p>Check the general quality and condition; treat with suspicion, often excessive damage is an attempt to conceal tampering.</p> <p>Examine the photograph for damage or slitting to the laminate, excessive glue, and excessively large photograph, can all be signs of a substituted photograph. An embossed strip within the laminate should catch part of the photograph; also check this for signs of damage.</p> <p>Passports from a foreign national can also be checked in this way.</p> <p>Please refer to Her Majesty's Passport Office guide for further advice.</p>
Birth certificate	<p>Birth certificates are easily obtained and not evidence of identity, certificates issued at birth may provide more confidence it belongs to the individual than those issued but it will not show corrected or superseded information.</p> <p>Check it's of high grade paper, a watermark is visible when held to the light, any areas of smoothness (original text may have been rubbed or washed away,) no tampering, no overwriting, no spelling mistakes or changes using liquid paper.</p> <p>General information on certificate completion can indicate if it has been falsified. Please refer to the General Register Office guide for further advice.</p>
Old style driving licence (no photograph)	<p>Remove from the plastic wallet and check it is printed on both sides. It should have a watermark visible when held to the light and there should be no punctuation marks in the name or address.</p> <p>The valid to date should be the day before the bearers 70th birthday (unless bearer is already 70), cross check this with information already provided and DOB recorded at stage 1 of the application.</p>
Letters and statements	Should be recent documents (issued within the last 3 months) Do not accept documents printed from the internet. Examine document looks genuine, letter headed paper used where applicable, bank headers are correct and bearer address is the same as quoted by bearer at stage one of the application.
Firearms licence	<p>Licence should be printed on blue security paper, with a royal crest watermark and faint pattern stating the words "Home Office"</p> <p>Examine the licence for evidence of photo tampering or any amendment of the printed details, including DOB and home address.</p> <p>Licence should be signed by the holder and the chief of police (or designated individual) for the area the holder lives within.</p>
Biometric residence	Refer to the UK visas and Immigration website for specific guidance

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permit	on checking this type of ID.
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Further Guidance

Driving licences	<p>Do not accept licences other than those detailed above.</p> <p>English, Welsh and Scottish driving licence numbers contain information about the applicants name, sex and DOB. Written in a special format this information can be gleaned cross checked with information already provided at stage 1 of the application.</p> <p>For English, Welsh and Scottish licences issued prior to 1977 DOB is not recorded as a separate entry on the document. The DOB can be gleaned from the driving licence number and cross checked with information already provided at stage 1 of the application.</p> <p>For example, the format of the number for Christine Josephine Robinson, born 2 July 1975</p> <p>R O B I N 7 5 7 0 2 5 C J 9 9 9 0 1 N N N N N Y M M D D Y I I C C C C C</p> <p>N = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).</p> <p>Y = YEAR of birth.</p> <p>M = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes or if born in February (i.e. 02) would display '52').</p> <p>D = DAY of month of birth.</p> <p>I = Initial letter of the first two forenames - if only one, then 9 will replace the second letter. If the license indicates that the applicant has a middle name, ensure that one has been provided in Section A.</p> <p>C = Computer generated.</p> <p>For Northern Ireland; Isle of Man and Jersey driving licenses the license number is in a different format. The license number is unique to the driver and the name or DOB validation, as shown above, cannot be used.</p>
Travel documents	Refer to the Council of European Union PRADO website for specific guidance on checking this type of ID.
Passports	Refer to the Her Majesty's Passport Office website for specific guidance on checking this type of ID.

Recruitment and Selection Policy – Proposed Amended Version

Criminal Convictions

Some posts within the Council are exempt from the provisions of the Rehabilitation of Offenders Act 1974. The Council's [policy on the recruitment of ex-offenders](#) is made available at the outset of the recruitment process to all individuals applying for posts where a DBS Disclosure is required. Questions can only be asked about ['unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.](#)

In order to fairly assess how any declared convictions impact on the individual's ability to undertake the job, it is necessary for the recruiting manager to complete a [Criminal Record Impact Assessment](#). The Criminal Record Impact Assessment Forms ([Part 1](#) and [Part 2](#)) must be retained on the personal file for the successful candidate and for unsuccessful candidates, for a period of 6 months.

The Council must abide by relevant legislation including The Safeguarding of Vulnerable Groups Act 2006, The Protection of Children Act 1999, The Education Act 2002, The Criminal Justice and Court Services Act 2000 (amended 2003), The Care Standards Act 2000 and The Protection of Vulnerable Adults Act (July 2004), in respect of those it employs in areas where they have contact with or access to children and/or vulnerable adults. It is an offence for the Council to employ anyone who has been barred by the Independent Safeguarding Authority in posts classified as '[regulated activity](#)' in relation to working with children and/or vulnerable adults.

DBS Checks

East Midlands Shared Services, as a registered body with the Disclosure and Barring Service (DBS), previously the Criminal Records Bureau and the Independent Safeguarding Authority, acts as an Umbrella Body of the Disclosure and Barring Service (DBS) undertaking DBS Disclosure checks on behalf of the Borough Council.

The Council will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed. It also abides by the Code of Practice issued by the DBS concerning checking, handling and storage of the results of any criminal record checks that are made as part of its recruitment, selection and other processes.

The Council has an obligation to only request DBS checks that are relevant. A criminal records check should only be undertaken if the post is identified, on the list of DBS Posts. This list is available on the intranet by following [this link](#). It is unlawful to seek a criminal records check for a post that does not meet the regulatory requirements. If the post you are recruiting to does not appear on the list you should contact Human Resources to seek clarification. The advert and job profile should clearly identify that a post is subject to a criminal records check.

It is the Council's duty to utilise robust procedures to prevent and deter people deemed unsuitable to provide personal/social care to adults or work with children from accessing the workforce providing services to these groups. Safer recruitment

requires strict [pre-employment vetting](#) checks to assess the suitability of an individual.

For further information please refer to the [Guidance for Managers on the DBS Process](#).

The recruiting manager must ensure that the New Starters Appointees Checklist is completed and that all the documentation required is sent to Human Resources. Failure to do this will result in the successful candidate's contract and payment of salary being withheld.

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DBS checks on individuals who have lived outside of the UK

Please refer to the [Guidance for Managers on the DBS Process](#).

DBS Application Process

Please refer to the section on How to Make an Application for an Online DBS Application within the [Guidance for Managers on the DBS Process](#).

Starting an employee prior to them receiving their DBS Disclosure Certificate

It is advised that employees do not commence in the post until a satisfactory DBS Disclosure Certificate has been obtained. In exceptional circumstances, a Strategic Director can be asked to give authorisation for an employee to commence work prior to a satisfactory DBS Disclosure Certificate being obtained. In these circumstances, a risk assessment must be undertaken to assess the risk of placing the person in the job prior to them receiving their DBS Disclosure Certificate and consideration must be given to putting additional safeguarding measures in place.

As a prerequisite to these additional measures:

- The application must have been completed and submitted to the DBS; and
- All other pre-employment checks must have been undertaken.

The following additional safeguarding measures must be undertaken:

- If the employee is required to work in a position delivering personal care to adults and they need to start immediately, a [DBS Adult First check](#) can be undertaken where appropriate (see below);
- Restricting the employee's access to or involvement with children and/or adults and occupying their time with training/induction and other job-related activities;
- Ensuring that the employee does not have unsupervised access to children and/or adults during the period preceding receipt of the DBS Disclosure Certificate. Supervision arrangements should be clearly documented in the risk assessment and the arrangements reviewed on a fortnightly basis. Employees subject to additional supervision arrangements must be informed

- that they will be under supervision and the reason and nature of the supervision should be specified;
- The role of the supervisor must be clearly spelt out and that individual must understand what is required of them.

When the risk assessment has been completed, permission must be obtained from the appropriate Strategic Director before the employee can start work.

What is DBS Adult First?

Requests for a DBS Adult First check carries strict criteria and are permissible only where it is necessary to take such action because of a real danger that staffing levels will fall below statutory obligations. Further information is available by following this [link](#).

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