

London Borough of Bexley DBS Disclosures and Criminal Convictions [non schools]

1. Introduction

This procedure sets out the arrangements for DBS disclosures for all staff and should be read in conjunction with the relevant recruitment procedures and policy on the employment of individuals with criminal convictions.

2. Scope

The procedure applies to all staff working in posts that have been identified as requiring a DBS check. It applies to directly employed staff, agency workers, casual staff and volunteers [the term 'staff or employee' is used throughout but is deemed to cover all groups].

3. New Staff

Whether through a full DBS check, or a status check via the update service, a DBS disclosure will be obtained for all new staff prior to the appointment being confirmed.

Where a new starter has a DBS certificate for the same level of check and workforce group, and they are registered for the update service, the Council will check the status of this certificate (with the employee's consent).

A full DBS check will be required if:

- the status check reveals existing or new information
- the certificate is for a different level of check or workforce group
- if the employee has not registered for the update service

Staff may only commence work pending the outcome of a London Borough of Bexley DBS disclosure at the discretion of the Deputy Director and such discretion may only be exercised following appropriate risk assessment and where:

- the relevant barred list has been checked (if appropriate in accordance with DBS guidance/relevant regulations)
- the applicant has a DBS disclosure from their current employer that is confirmed as being clear with no break in employment since the disclosure
- satisfactory references have been obtained and verified
- the referees and individual have not declared any offences that make their employment unsuitable

Where there is no existing DBS Disclosure the individual may only commence employment at the discretion of the Deputy Director and such discretion may only be exercised where:

- the relevant barred list has been checked (if appropriate in accordance with DBS guidance/relevant regulations)
- satisfactory references have been obtained and verified
- the referees and individual have not declared any offences
- access to children and young people can be restricted without undue service disruption

4. Existing Staff

DBS disclosures will be obtained for existing staff in the following circumstances:

- where a DBS disclosure has not previously been obtained but the position falls within the scope of designated positions or occupations requiring a DBS check
- where a DBS disclosure has previously been obtained but there is a change to duties or location which requires a different level of DBS check or the workforce group has changed
- where a DBS disclosure has previously been obtained but the employee has failed to register for the DBS update service, or to maintain their registration with the DBS update service, and the Council is unable to undertake a status check in accordance with this policy
- where the employee has a break in employment service exceeding 3 months
- there is otherwise reasonable cause for concern about an individual

5. DBS Update Service

The Council is phasing out three-yearly re-checks for staff and instead all staff will be required to register for the DBS update service either as a new starter or when their existing check is due for renewal. The timescales for registering with the update service are set out below. The registration fee may be reimbursed if claimed within 6 months via MyView.

Employees will be responsible for maintaining their registration with the update service for the duration of their employment in a relevant post with the London Borough of Bexley. The Council may, at its discretion, review an employee's DBS status at any time and will usually undertake routine status checks on a three-yearly basis.

Disciplinary action may be taken should an employee fail to maintain their subscription to the update service as required. In addition, should an employee fail to register for, or maintain, their subscription to the update service, they will be required to pay the full cost of a DBS check.

The timescales for registering with the update service are available on the DBS website <https://www.gov.uk/dbs-update-service>.

6. DBS Disclosure Information

Where a DBS disclosure reveals any information about an individual this will be referred to the Deputy Director who will consult with HR to consider the circumstances of the case and decide whether the appointment can proceed or, in the case of existing staff whether the matter should be referred for consideration in accordance with Council's Disciplinary Procedures.

In circumstances where an individual carries out work on a third parties premises or for a third party on behalf of the Council the Council may be required to confirm that a DBS disclosure had been undertaken and that the individual is considered suitable for the nature of the work concerned.

7. Notification of Offences

Where staff are charged, convicted or cautioned of any offence they are required to notify their Deputy Director with immediate effect. The Deputy Director will consult with HR to consider the circumstances of the case and decide whether the matter should be referred for consideration in accordance with Council's Disciplinary Procedures.

8. Arrangements for Contractors/Agency Workers

Contractors/Agencies are responsible for carrying out DBS checks, and other appropriate vetting checks, to ensure that only appropriate and suitable people are employed to work under council contracts. Contractors/Agencies are required to carry out rechecks at least every three years either through seeking a fresh DBS disclosure or through a status check of the DBS Update Service.

Where any offence is disclosed this must be discussed with the commissioning manager without delay. The commissioning manager will determine the individual's suitability for the role.

Review

This procedure will be subject to periodic review.

Further information

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

<https://www.gov.uk/government/collections/dbs-filtering-guidance>

<https://www.gov.uk/government/publications/dbs-code-of-practice>