

1625 Independent People Disclosure Check Policy

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1 Policy position

1.1 Purpose

At 1625 Independent People (1625IP), a Disclosure Check is required in relation to every role and our recruitment literature contains a statement that a Disclosure will be requested in the event of the individual being offered employment with 1625IP. The level of check is dependant on the role being undertaken but this will either be a Standard, an Enhanced or a Basic level check.

Enhanced DBS checks are carried out for all colleagues who have unsupervised access to children and vulnerable adults, including but not limited to, volunteers, students on placement, consultants and independent visitors. This may include access to information about children and vulnerable adults. Other roles within the organisation undergo either Standard or Basic DBS checks.

1.2 Principles

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, 1625IP complies fully with the [Code of Practice](#) regarding the correct handling, use, storage, retention and disposal of certificate information.

We also comply fully with our obligations under the [Data Protection Act 2018](#) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and we have a written policy on these matters located in the [Policies and Procedures](#) folder on the i:drive.

We undertake to treat all applicants for positions fairly and not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

1625IP is committed to the fair treatment of its colleagues, potential colleagues or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We actively promote

equality of opportunity for all with the right mix of talent, skills and potential and welcome 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.

Our *Recruitment of Ex-Offenders Policy Statement* is contained within our [Recruitment Policy and Procedure](#), which is available to all Disclosure applicants at the outset of the recruitment process.

2 Statutory / regulatory considerations

2.1 Statutory A

Equality Act 2010

Data Protection Act 2018

General Data Protection Regulation (GDPR) 2018

Rehabilitation of Offenders Act 1974

Police Act 1997

Human Rights Act 1998

2.2 Regulatory B

Code of Practice for Disclosure and Barring Service, revised 2015.

3 Scope and definitions

3.1 Scope

This Policy applies to the entire organisation: Board members, all paid colleagues, volunteers, those on work experience, students on placement, contractors and service users as relevant.

4 Responsibility

The Strategic Leadership Team are responsible for:

- The effective operation of this Policy.
- Implementation of this Policy.

Line managers are responsible for:

- Day-to-day operation for this Policy and you should refer any questions about this Policy to them in the first instance.

Colleagues are responsible for:

- Compliance with this Policy.
- Raising questions about this Policy where further information or clarity is needed.

5 Disclosure process

We encourage all recruitment applicants called for interview to provide details of their criminal record at an early stage in the application process.

We ensure that all those managers in 1625IP who are involved in the decision making around risk assessment of certificate information have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g., the *Rehabilitation of Offenders Act 1974*.

When invited to interview applicants are asked to complete a Criminal Convictions and Safeguarding Disclosure form declaring any disclosures ahead of their interview. If a disclosure is made, the recruiting managers are made aware. 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.

We make every subject of a DBS Disclosure aware of the existence of the [Code of Practice](#) and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. **Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

Applicants who are enrolled on the Update Service will be asked to provide us with consent for access to enable us to run an up-to-date status check. They will be asked to share the details of their DBS to ensure it covers the correct workforce and barred lists. If it does not, they will be asked to provide ID to carry out a DBS check, the cost of which will be borne by the organisation.

Applicants who are not enrolled on the Update Service will be asked to provide personal information to enable us to carry out a DBS check, the cost of which will be borne by the organisation. In the event of an unclear check, they will be asked to disclose the Disclosure information to us following receipt of their certificate. If the applicant's offer of employment remains and they have undergone an Enhanced DBS check, they will be asked to join the Update Service within the required timeframe of the certificate being issued and to provide us with written consent for access to the same for the purposes of carrying out a Status Check.

Applicants who have undergone a Standard DBS check will also be asked to join the Update Service within the required timeframe.

Applicants who have undergone a Basic DBS check will not have the option to enrol on the Update Service as this is not available to applicants with a Basic DBS check. As such, this requirement will not be applicable to them. Instead, a new Basic DBS check will be undertaken every 3 years, the cost of which will be borne by the organisation.

Membership of the Update Service will be a requirement of those employees' employment at the organisation. The cost of the Enhanced DBS check will be borne by the organisation but the cost of the initial subscription to the Update Service and the yearly upkeep thereof is the applicant's responsibility. The organisation will reimburse applicants for this cost on the production of a valid receipt.

Once you have commenced employment with us, we will make further disclosure requests at regular intervals during the course of your employment.

Where individuals' subscriptions to the Update Service lapse, the organisation will have to carry out a new Enhanced DBS check, which will incur a cost. This cost will become the responsibility of the colleague and will be reimbursed from the individual affected through a deduction of wages or otherwise. Further, pending the outcome of a further check, the individual will not be permitted to work with young people and may be suspended from work. In situations where a DBS check has lapsed, we will undertake a risk assessment but employment under those circumstances can only continue for a maximum of three weeks before suspension or termination of employment may have to be instigated. We therefore strongly encourage all colleagues not to allow this to happen.

If you are charged with a criminal offence, or you receive a caution or a conviction during the course of your employment, you must disclose this to us as soon as possible. Failure to do so and/or at your earliest opportunity would be dealt with under the organisation's *Disciplinary Procedure*.

6 Storage and access

Certificate number and issue date information is kept securely, with access strictly controlled and limited to those who are entitled to see it as part of their duties. Colleagues are not routinely asked to share a copy of their certificate. However, when this is requested, the certificate information is kept securely, as above.

1625IP uses the secure online checking procedure available from the DBS. Access to this service is controlled by password and limited to the Chief Executive Officer and relevant personnel with People administrative duties. Confirmation from the DBS of the outcome of the check and date on which it was completed is attached to the applicant's electronic personnel file. Access to this information is strictly controlled and limited to those who are entitled to see it as part of their duties.

7 Handling

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. We maintain a record of all those to whom certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

At interview stage, applicants are asked to complete initial disclosure forms in accordance with the DBS guidelines. Completed forms awaiting processing are only handled by those who are entitled to do so as part of their duties.

8 Usage

Disclosure information is only used for the specific purposes for which it was requested and for which the applicants' full consent has been given.

9 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we consult the DBS about this and give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

10 Disposal

Once the retention period has elapsed, we ensure that any certificate information is immediately destroyed by secure means, i.e., permanent deletion of electronic file(s). While awaiting destruction, certificate information is not kept in any insecure receptacle (e.g., waste bin or confidential waste sack). We do not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

11 DBS referral

As an employer, we have a legal duty to make DBS referrals in certain circumstances. There are two main conditions which should be met for a referral to be made, these are:

- 1- We have permanently removed a person from 'regulated activity' through dismissal or permanent transfer from 'regulated activity' (or would have if the person had not left, resigned, retired or been made redundant); and
- 2- We believe the person has:
 - Engaged in 'relevant conduct'
 - Satisfied the 'harm test' (i.e., no action or inaction occurred but the present risk that it could was significant), or
 - Received a caution or conviction for a 'relevant offence' (a list of these offences is available on the DBS website or call the helpline for advice).

We will not make referrals when an allegation is first made. We will first undertake an investigation and evidence gathering process and this will be done in order to establish if the allegation has foundation, for example as part of an internal disciplinary process. Without evidence or substance to the claims many allegations will be quickly closed down as there will be no foundation on which the DBS can proceed.

The referral is done through the completion of a DBS Referral Form and submission of documentary evidence which is split between 'Legal Requirements' and 'Documentation'. We will always ensure we adhere to the guidance supplied by the DBS in making such a referral and we will inform the affected individual that we have made the referral.

12 Reviewing policy (and procedure)

Policies (and associated procedures) are reviewed regularly and in consultation with colleagues, Board, young people, Unison or other identified stakeholders as relevant, through:

- Team briefings, team meetings and development days
- Board / Committee meetings
- Independent People Ambassadors, 1625 Connects events and other young people's meetings as appropriate
- Stakeholder feedback processes

13 Links

This Policy links to:

- <I:\Policies & Procedures\People Policies and Procedures\1625IP Recruitment P&P - Jan 2019.pdf>
- <I:\Policies & Procedures\People Policies and Procedures\1625IP Disciplinary Procedure - May 2016.pdf>

14 Communication of policy

This Policy is available electronically and is accessible to all people involved with 1625 Independent People. Communicating policy content occurs at induction for new starters or to everyone when a policy has been updated, e.g., via the Team Brief.

Where relevant, service users are given a summarised version at commencement of service and / or in the Young People's Handbook.

Copies are available on request. If you would like this document in a different, more accessible format please ask.

8 Document history

Version #	Owner	Issued date	Date of next review
2	Sanja Taylor	June 2022	June 2025