**Disclosure and Barring Service Charter**

 **Safer Recruitment Sub-Group**

The Safeguarding Adults and Children’s Board acknowledges its responsibility to safeguard the welfare of every child, young person and adult at risk who has been entrusted to its care or the care of partner organisations/agencies or services commissioned by us and our partners and is committed to working to provide a safe environment for all. We subscribe to safer Recruitment Policies and comply with Standards set out by the LSCB and expect all partners and other agencies to sign up to these.

We acknowledge that every child or young person and adult at risk who participates in activities provided by us and partner organisations or receives services from us should be able to do so in an enjoyable and safe environment and be protected from poor practice and abuse. This will be achieved by adopting appropriate standards in respect of Disclosure & Barring (DBS) checks which either meet or exceed those of the Local Authority.

The Safer Recruitment Sub Group will provide you with guidance, training and template documents and policies in order to achieve this and will support organisations to develop their own standards and policies where required.

Principles applied when obtaining a check and when we handle your personal information:

* only the information that we actually need to process and submit your check is requested and collected
* your personal information is only seen by those who need it to do their jobs
* personal information is retained only for as long as it is required
* decisions affecting you are made on the basis of reliable and up to date information
* your information is protected from unauthorised or accidental disclosure
* you receive the single certificate from the DBS which you retain and are requested to show this to your employer who will take a copy as part of any pre-employment checking process
* your personal information with regard to the disclosure service is only processed with your knowledge

The above principles apply whether we hold your information on paper or in electronic form.

**Legal Responsibilities**

Before an organisation considers asking a person to make an application for a DBS check, they are legally responsible for ensuring that they are entitled to submit a check for the job role. This means that if you are a countersigning officer you must satisfy yourself that the position is eligible under the current legal provisions before you countersign each application form.

The Annex describes the most commonly submitted positions and duties that are known as the exceptions to the Rehabilitation of Offenders Act 1974. It should be noted that this is not an exhaustive list.

The Disclosure and Barring Service (DBS) issues criminal record certificates for specific positions, professions, employment, offices, works and licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Individuals and the self-employed cannot apply for a check directly to the DBS.

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

Using the Annex

This Annex has been designed for use in conjunction with legislation.

The numbers in the Annex are used by DBS as a reference point for dealing with enquiries about eligibility. If your organisation is contacted to confirm eligibility for a position, you must provide full details of the job role and explain how the relevant legislation supports the application for a DBS check. It is not sufficient to provide the reference number without supporting evidence.

The Annex will not advise whether there is a mandatory requirement to have a DBS check for any specific role. Any mandatory requirement for DBS certificates will exist in legislation and guidance specific to your employment sector and you will need to explore this separately.

The Annex will not advise what level of check any specific role is eligible for. This can be established by referring to the Police Act 1997 (Criminal Records) Regulations referred to previously.

Your responsibility is to ensure that the decision that eligibility for a DBS check exists is based on the legislation that enables the check to be carried out for the activities and duties of the specific position.

**What is a DBS Check?**

A DBS Check is formerly known as a Criminal Record Bureau check. The Enhanced Criminal Record Check is a printed record containing information from the Police National Computer, local Police intelligence and a check of Government lists of those people barred from working with children and adults at risk. The information taken from these checks are used to help decide if a person with a role working with children and young people and adults at risk are safe to work with these groups. It is a check that helps make informed recruitment decisions about the suitability of people with criminal records who are seeking a role working with the groups outlined above.

**Who needs a DBS Check?**

Those who are working or volunteering directly with children, young people and adults at risk need an appropriate check. This includes those who are teaching, training, instructing, supervising, giving advice or guidance on wellbeing or caring for children/vulnerable adults or driving a vehicle solely for children/vulnerable adults on behalf of the Local Authority. In order to have a check, your involvement needs to be frequent. This is usually described as once a week or more, four days or more in one month or overnight although occasionally people with lower levels of contact may still need one.

**Types of DBS check available**

* Standard checks – To be eligible for a standard level DBS check, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.
* Enhanced checks – To be eligible for an enhanced level DBS check, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations.
* Enhanced checks with children’s and/or adult’s barred list check(s) – To be eligible to request a check of the children’s or adult’s barred lists, the position must be eligible for an enhanced level DBS check as above and be specifically listed in the Police Act 1997 (Criminal Records) Regulations as able to check the barred list(s).

You can access the various Police Act 1997 (Criminal Records) Regulations by searching for them on Legislation.gov.uk. This will not provide a list of job roles – such a list does not exist. Instead each Regulation can be opened to identify what roles, duties or activities have been included from the date that the Regulation was brought in. It is important to note that the Regulations can also remove roles, duties or activities.

**I have had a Criminal Record Check for my work, sport or voluntary role. Do I need another one?**

Yes. The Local Authority has taken advice and there are serious risks in carrying Disclosures from one job to another. The Coalition Government has said they want to make Disclosures ‘portable’ and The Local Authority fully supports this. The DBS Update Service is due to be available from mid 2013. Once the full details are known the Local Authority will seek to introduce it, however, existing Criminal Records checks will not be included in the new service. To make a criminal records check 'portable' you will be required to make a new application and subscribe to the new service via <https://www.gov.uk/government/organisations/disclosure-and-barring-service>