

Disclosure and Barring Policy

Effective From: 1st May 2014

1. Introduction

Northamptonshire County Council (Northamptonshire County Council) is the Registered Body that undertakes criminal record disclosure checks via the Disclosure and Barring Service (DBS) for potential employees, volunteers and workers. The Council also carries out checks as an Umbrella Body for partner Councils and other organisations and voluntary groups.

The level of check undertaken will be appropriate for the post/type of work (paid or unpaid) undertaken. The tasks undertaken determine if a post is eligible for a DBS check and the level of check required.

2. Policy statement

This policy contains the overarching guidance on DBS checks for all organisations and groups that use LGSS/Northamptonshire County Council or CCC HR Transactions.

The employer will undertake DBS checks to:

- provide protection for children and vulnerable adults from individuals who might wish to harm them; and
- minimise the risk of employing an individual who is considered unsuitable to work in certain occupations.

All employers are committed to preventing discrimination against any employees, potential employees or volunteers on the grounds of offending behaviour that does not create risk to children, vulnerable adults or in key occupational areas as included in the DBS List of Eligible Positions.

This policy should be read alongside the Recruitment of Ex-Offenders Policy.

3. Scope

The policy applies to any individual in a role that meets the criteria for a DBS check, regardless of contract type including:

- schools based workers
- volunteers
- supply teachers, agency workers, consultants and contractors
- Fire and Rescue Services

Where the policy refers to a specific managerial role this relates to the relevant levels of authority within each organisation.

In schools where the Council is the employer, the Governing Body have delegated responsibility for the employer duties outlined.

4. Legal background

The legislation that underpins DBS checks is the Rehabilitation of Offenders Act (1974), the Police Act (1997) and the Safe Guarding of Vulnerable Groups Act (2006).

The Rehabilitation of Offenders Act enables some convictions to become spent after a rehabilitation period – once this period of rehabilitation has passed the conviction is regarded as spent. An individual is not normally obliged to disclose any spent conviction when applying for a job and an employer is prevented from taking spent convictions into account in the recruitment process.

However in order to protect vulnerable groups some roles are exempt from this approach under the Rehabilitations of Offenders Act 1974 (Exemptions) Order 1975. In the case of these roles employers are entitled to know about previous criminal record information, whether spent or unspent, when assessing an individual's suitability for the role. All roles across the Council that are exempt from the Rehabilitation of Offenders Act will be subject to a DBS check.

The Police Act sets out the legal framework for employers to request DBS checks. This legislation prescribes which roles can be checked at an enhanced level.

The Safeguarding Vulnerable Groups Act (2006) as amended by the Protections of Freedom Act 2012 sets out the definitions of regulated activity for roles within the childrens and adults workforce. Under this legislation it is a criminal offence to engage a barred person to undertake regulated activity.

In 2013 the range of spent convictions and cautions covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023), so that some spent convictions and cautions do not have to be disclosed by candidates for a role and may not be taken into account by employers when making recruitment decisions.

Further details can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/206141/Filtering_rules_for_criminal_record_check_certificates.pdf

5. Responsibilities

Responsibility for implementing this policy is shared between managers, Payroll and HR Transactions, HR Advisors and Directors.

Managers

Managers/Recruiting Managers are responsible for:

- Determining whether a post is eligible for a DBS and determining the level of check required with support from HR Advisory;

- Informing Payroll and HR Transactions and the appropriate HR Advisor of any changes to the role or responsibilities of the posts (including those of volunteers), which may have a direct effect on the level of disclosure check required and ensure that the appropriate establishment change form is completed.
- Initiating a DBS check by logging onto the online DBS system and completing all of the mandatory fields required to create a DBS application. (This includes specifying which Workforce the candidate will work with. The police will use the workforce information to decide whether to release non-conviction information on an Enhanced DBS certificate).
- the person's identity has been thoroughly checked (e.g. the Recruiting Manager has seen relevant identity documents with the applicant's photograph, name, address, date and place of birth).
- Liaising with candidates who have failed to complete the online DBS application form.
- Liaising with candidates who have not provided their DBS certificate within 7 days of receipt from the DBS.
- Liaising with HR Advisory to determine if a conditional offer of employment should not be confirmed where an employee has not provided their DBS certificate.
- Ensuring that individuals are not employed without a DBS check at the correct level, that meets the requirements of the post.
- In **exceptional circumstances**, following the risk exemption process to determine whether a candidate can start working before a DBS check has been received. (Please refer to section 16)
- Following the objective assessment process where the outcome of a DBS check requires further consideration. (Please refer to section 17)
- Ensuring that Recruiting Managers comply with all the requirements detailed in this policy and associated policies, including maintaining appropriate records.

Payroll and HR Transactions

Nominated individuals within the Recruitment Team undertake the role of Counter-signatory. The countersignatures are responsible for:

- Checking an individual's DBS status via the DBS Update Service (where he/she is registered with the Update Service and the use of this service is appropriate for the role).
- Where required, ensuring that External ID Validation has been undertaken where the preferred candidate cannot provide the appropriate documents;
- Referring queries about eligibility for DBS checks to HR Advisory.
- Recording and storing DBS certificate information in accordance with the DBS Code of Practice and internal policy requirements.

The Establishment Control Team will maintain Oracle/ERP records of posts requiring a DBS check.

Queries on how to use the online DBS system should be referred to the Business Support Service Desk.

Head of HR Advisory:

The Head of HR Advisory or members of the HR Advisory Team are responsible for:

- Assisting managers in determining whether a role is eligible for a DBS check and the level of check required.
- Liaising with the DBS where the list of eligible positions does not include a specific post and where there is a potential requirement for a check.
- If required accompanying the Recruiting Manager to meet the applicant to verify the accuracy of conviction information.
- Advising on the objective assessment process outlined at section 17.

Director/Assistant Director/Executive Director

Director/Assistant Director/Executive Directors are responsible for:

- Undertaking the objective assessment process outlined at section 17 to assess conviction information;
- Notifying HR Advisory when changes in service regulatory regime require changes to the DBS approach.
- Undertaking the risk exemption process to determine whether in exceptional circumstances a candidate can start work before DBS been received.

With the exception of the risk exemption process, these responsibilities may be delegated to nominated managers within the service.

Lead Counter-signatory

The Head of People is the Lead Counter-signatory for DBS and e-DBS registration purposes and has the responsibility for monitoring and reviewing the implementation of this policy and for authorising amendments to the Registered Persons List.

6. Disclosure levels

There are 3 levels of Disclosure check – Standard, Enhanced and Enhanced plus Barred List Checks (for children’s workforce, adult’s workforce or both). Details of roles that are eligible for DBS checks and the information on what will be disclosed are detailed in the table below.

Level of check	Eligibility	What is shown on the DBS Certificate (subject to filtering rules)
Standard	Position must be included in the Rehabilitation of Offenders Act Exceptions Order. This legislation is available at http://www.legislation.gov.uk/ukxi/1975/1023/schedule/1/made Must not be used where regulated activity is undertaken.	All spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC).
Enhanced	Position must be included in both the Rehabilitation of Offenders Act Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations. The police act is accessible at http://www.legislation.gov.uk/ukpga/1997/50/par	The same PNC information as the standard checks but also includes a check of police records held locally. No information provided

	<p>t/v</p> <p>Must not be used where regulated activity is undertaken.</p>	from the Barred Lists.
<p>Enhanced with Barred List checks</p> <p>(children's workforce, adults workforce or both)</p>	<p>Position must be eligible for an enhanced DBS check as above and be undertaking regulated activity.</p> <p>Must be used for all positions undertaking regulated activity.</p>	The same PNC information and check of police records held locally as an enhanced check but in addition will check against the children's and/or adults barring lists

Information on what constitutes regulated activity for children and vulnerable adults is given in sections 7 and 8. If an individual will be working in regulated activity with both children and adults, a check of both barred lists will be required.

The most recent Eligible Positions guidance available from the DBS at the following link:

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

DBS Workforce Categorisation

The following descriptions are used to define which sector the employee/volunteer will be working within and is logged in Section X61 of the DBS Application Form.

- **Child Workforce** - Used for any position that involves working/volunteering with children.
- **Adult Workforce** – Used for any position that involves working/volunteering with adults.
- **Child and Adult Workforce** – Used for any position that involves working/volunteering with children and adults.
- **Other Workforce**- Used for any position that does not involve working/volunteering with children or adults e.g. security guard.

It is important to ensure that the correct description is used to tell the DBS which Workforce the individual will be working in, and that the application specifies the actual position applied for. The police will use the Workforce information to determine whether to release any non-conviction information on an Enhanced DBS certificate. This also allows an applicant who has joined the Update Service to reuse their DBS certificate for another position, in the same Workforce where portability is accepted.

To ensure that ERP/Oracle data remains accurate, Recruiting Managers must inform Payroll and HR Transactions of any changes to the role or responsibilities of the posts within their individual sections (including those of volunteers), which may have a direct effect on the level of disclosure check required and ensure that the appropriate establishment change form is completed.

7. Regulated activity relating to children (Child Workforce)

Regulated activity is work that a barred person must not do. It is illegal to employ someone who has been barred in these areas of work. In relation to children, regulated activity comprises:

1. Unsupervised activities: teaching, training, instructing, caring for or supervising children or driving a vehicle only for children.
2. Work in a limited range of establishments i.e. 'specified places', with opportunity for contact, but not work by supervised volunteers.

Work under (1) or (2) is Regulated Activity only if done regularly.

Regular means carried out by the same person:

- **frequently** (once a week or more often), or
 - on 4 or more days in a 30-day period (or in some cases, overnight).
3. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if done once.
 4. Registered child-minders and fostering and adoption.

Specified Places

The following establishments are Specified Places in relation to children and those individuals working within these establishments will be engaging in regulated activity:

- schools (all or mainly full-time, for children);
- pupil referral units (also known as Short Stay Schools);
- nursery schools;
- institutions for the detention of children;
- children's homes;
- children's centres in England;
- childcare premises (including nurseries)

Further guidance on regulated activity in relation to children is available at:

<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring>

8. Regulated activity relating to adults (Adult Workforce)

There is no requirement to do activities a certain number of times before a person working with adults is considered to be engaging in regulated activity. In relation to adults, regulated activity is being undertaken by those who provide:

- **Healthcare:** if they are a regulated health care professional or are acting under the direction or supervision of one, for example doctors, nurses, health care assistants and physiotherapists
- **Personal care:** assistance with washing and dressing, eating, drinking and toileting or teaching someone to do one of these tasks

- **Social work:** provision by a social care worker of social work which is required in connection with any health services or social services
- **Assistance** with a person's cash, bills or shopping because of their age, illness or disability
- **Assistance** with the conduct of an adult's own affairs, for example, lasting or enduring powers of attorney, or deputies appointed under the Mental Health Act
- **Conveying:** conveying adults for reasons of age, illness or disability to, from or between places where they receive healthcare, personal care or social work. This would not include friends or family or taxi drivers not working on employer contracts.

Further guidance on regulated activity relating to Adults is available at:

<http://www.legislation.gov.uk/ukpga/2012/9/schedule/7/crossheading/restriction-of-scope-of-regulated-activities-vulnerable-adults>

9. Appointments which may not require a disclosure check

Posts that involve a minor degree of direct face-to-face contact with children or vulnerable adults or which are subject to direct supervision are unlikely to qualify for a DBS Disclosure. Examples might include:

- People who are on site before or after hours when children and/or vulnerable adults are not present;
- Visitors who have contact with a child or vulnerable adult which is not regulated activity and where a member of staff will be present;
- Visitors who go onto the employer's sites only to carry out ad hoc repairs or service equipment;
- Building contractors who will only have contact with children or vulnerable adults on an irregular basis for short periods of time or are working on a work site that is segregated from the main establishment;
- Secondary school pupils on work experience.

This is not a definitive list and should be considered as a guide only. Consideration should always be given to the level of risk involved when determining if a DBS check is required. The Council reserves the right to contact the DBS to obtain guidance on whether a Disclosure check is required.

10. Obtaining a disclosure check

There are two ways to obtain Disclosure information:

1. The individual completes an online DBS application form.
2. Via an online status check (available if the individual has joined the DBS Update Service - see section 11).

A DBS check is required before a candidate provisionally selected for appointment (i.e. for the preferred candidate) can start working in a role requiring a DBS check.

Candidates will be made a conditional offer of appointment subject to obtaining a satisfactory DBS check and other pre-employment checks.

An individual may not start work in the new role until a DBS check at the correct level that meets the requirements of the post has been obtained unless the risk exemption process has been followed. **A manager who allows an individual to start work without DBS clearance and who has not followed the risk exemption process will be subject to disciplinary action.**

Where the preferred candidate is registered with the DBS Update Service Payroll and HR Transactions will undertake the online status check upon receipt of the appropriate documents from the Recruiting Manager.

11. DBS Update Service – (Portability)

The DBS Update Service is designed to allow individuals undertaking or moving between a number of similar roles within the same Workforce to avoid the need for multiple DBS checks. It is an individual's decision whether they choose to join the DBS Update Service. The annual fee must be paid by the individual.

The DBS Update Service can be used for DBS checks that have been undertaken by another employer provided the individual has registered with the service.

To be able to carry out a Status Check, the employer must ensure there are no regulatory restrictions on using this service. In addition:

- The employer must be entitled to undertake the same level of DBS check as the certificate held by the applicant.
- The certificate must be for the right Workforce.
- If the certificate shows barred list information we must be eligible to see this and it must be for the same Workforce as the current role.

To use the Update Service an individual must complete a consent form and present the original DBS certificate to the recruiting manager. The manager should take a copy of the certificate and sign and date this to verify that the original has been seen. The status check will be undertaken by the Payroll and HR Transactions team.

In circumstances other than where an individual has registered with the DBS Update Service, portability of certificates will not be accepted.

12. DBS checks for existing employees moving to new roles

An existing employee will require a new DBS check, if they move to a new post within the employing organisation:

- where a DBS check is required and they did not previously have one; or
- where a higher level of DBS check is required; or

- with a new Workforce, e.g. previously worked with (and previously DBS checked for) vulnerable adults and moving to a post with children or young people.

Records on suitability to work in regulated activity with children or adults provided by the DBS are based on the appointment for which they are submitted; therefore if the candidate changes sector or applies for a post needing a DBS check, a new check must be obtained.

13. Re-checks

Our regulatory bodies do not specify any requirement to undertake re-checks. The organisation's policy is that re-checks on employees will not be undertaken other than as detailed above.

DBS checks at the appropriate level may however be undertaken at the discretion of the employer where serious allegations have been made against an employee in the course of their work. In these circumstances, where a disclosure check reveals information that suggests that a current employee may present a risk to children or vulnerable adults the manager should initiate the appropriate internal procedure to ensure that concerns are addressed.

Candidates who have left the organisation and are applying to rejoin must complete a new DBS Disclosure application form.

14. Information for applicants

Recruitment advertisements for paid roles and volunteer positions will state if a DBS check is required. The level of check required for a post will be confirmed to applicants by the Recruiting Manager.

Applicants for roles requiring a DBS check will be required to provide photographic proof of identity, e.g. passport or driving licence.

Applicants will be informed that failing to disclose a 'spent' conviction for an 'exempt' post/profession under the Rehabilitation of Offenders Act (ROA) 1974 will be considered an act of Gross Misconduct under the organisation's disciplinary procedure if they are subsequently appointed to a post. In some cases failure to disclose a 'spent' conviction may be a criminal offence.

15. Commencing employment prior to receiving Disclosure information (Risk exemption process)

Normally, candidates **must not** start working until a DBS check at the correct level, that meets the requirements of the post has been obtained. **A manager who allows an individual to start work without DBS clearance and who has not followed the risk exemption process will be subject to disciplinary action.**

In exceptional circumstances the Director/Assistant Director/Executive Director may sign off a risk exemption. It is only appropriate to do this when not allowing a person to commence employment prior to clearance would:

- Cause severe disruption to service provision; or
- Impact on statutory staffing requirements; or
- Mean that Ofsted and Care Quality Commission requirements for regulated services would not be met.

Decisions must be taken on an individual basis ensuring compliance with appropriate safeguarding legislation and guidance.

For posts which are subject to the Protection of Children Act, a pre-employment Children's Barred List Check (previously called List 99) must be undertaken. For posts that are subject to the Protection of Vulnerable Adults Scheme a pre-employment Adult-First (Previously called PoVA) check must be undertaken by the Payroll and HR Transactions Team.

The Director Assistant Director/Executive Director must ensure that arrangements are in place to ensure that the candidate's access to children or vulnerable adults is appropriately supervised.

The employee will be required to sign a declaration, which the Recruiting Manager obtains from Payroll and HR Transactions, stating that they have no offences that would prevent them from working with vulnerable groups and confirming that they **will not work unsupervised** with children or vulnerable adults until clearance has been received. This declaration will be counter-signed by the Recruiting Manager confirming that the manager will take responsibility to ensure strict compliance with this practice. The signed declaration must be emailed, faxed or posted to Payroll and HR Transactions.

A DBS check at the correct level, that meets the requirements of the post should be obtained as soon as possible. The supervision arrangements agreed as part of the risk assessment must continue until DBS clearance has been obtained.

The organisation reserves the right to terminate an individual's employment (following the correct dismissal process) where a DBS check at the correct level, that meets the requirements of the post has not been obtained

16. Objective assessment process (assessing criminal record information)

A criminal record may not in itself prevent a person being appointed, but reference should be made to the appropriate legislation. Applicants with criminal records should be treated according to their merits however there may be legal criteria that prevent their employment, for example some convictions debar people from working with children and vulnerable adults. The Recruiting Manager needs to complete an Objective Assessment Form which is available from the Payroll and HR Transactions Team.

Where a DBS check indicates that an individual has a criminal record an objective assessment will be undertaken. Details of the objective assessment procedure are given in the Recruitment of Ex-Offenders Policy which is available to applicants upon request from:

Payroll and HR Transactions, LGSS, John Dryden House, 8-10 The Lakes, Northampton NN4 7DA; or CCC Recruitment Team, Box RES1207, Shire Hall, Castle Hill, Cambridge, CB3 0AP.

17. Not confirming a conditional offer of employment

Where the DBS check indicates that a candidate presents a risk to children or vulnerable adults the conditional offer of employment will not be confirmed. The applicant will be informed of this decision in writing by the Recruiting Manager.

Alternatively, any decision to appoint the candidate where there is evidence of conviction for a serious offence must be approved in writing by the Director/Assistant Director /Executive Director in accordance with the objective assessment procedure outlined above.

18. Care Quality Commission (CQC) guidance

The CQC inspectors check compliance with Regulation 21 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2012. This includes checks that providers and managers of registered establishments and agencies have made the appropriate DBS and other checks when:

- recruiting staff and other workers, or
- moving staff to new jobs that require DBS checks or
- when staff are undertaking a regulated activity

CQC do this by selecting a sample of staff records to inspect, to confirm that appropriate checks have taken place.

The CQC has an agreement that for social care services, the top third of the DBS certificate should be retained for 12 months or until inspectors have seen them.

As the DBS certificate is now issued directly to the applicant, the CQC will continue to look at the top third of certificates where they are available. The CQC will not expect to see hard copies of a DBS certificate, but will expect that the employer has seen the original disclosure and made a record of the details listed below:

- The date of issue of the check
- The full name and date of birth of the person
- The type of check requested
- Whether the children's and/or adults barred list was checked and the outcome (if applicable to the role)
- The position for which the check was requested.
- The unique reference number of the check

- The details of the employment decision taken, and
- Any additional information that may require periodic checks to be made

Further guidance can be obtained from the CQC at:

<http://www.cqc.org.uk/organisations-we-regulate/registering-first-time/criminal-record-checks>

CQC Guidance on Employment Agency Personnel

The service provider must obtain and keep written confirmation from an employment agency that agency workers supplied to work with our service users have had a DBS check at the correct level that meets the requirements of the post.

The service provider is ultimately responsible for this check; however, it is our responsibility to ensure that robust and legally compliant arrangements are adhered to for recruiting agency workers.

19. Ofsted Guidance

Ofsted expects providers of children's social care to be able to demonstrate adherence to consistently good recruitment practices that are compliant with all statutory requirements and guidance. This includes requirements for DBS checks.

In obtaining a DBS check Ofsted requires the employer to determine that:

- the level of the DBS check is the same as the level needed and that is for the correct Workforce
- the DBS check is part of a number of pre-employment checks undertaken
- the person's identity has been thoroughly checked (e.g. the Recruiting Manager has seen relevant identity documents with the applicant's photograph, name, address, date and place of birth).
- the person is still living at the same address as the one on the DBS check

Where an employer has used an existing DBS check, inspectors will look at how the organisation has used the DBS guidance on assessing the risk. Inspectors will look at how the employer has complied with the DBS guidance. In particular, inspectors will check that the employer has:

- queried any unexplained gaps in a person's employment - and where these exist, undertaken new DBS check prior to an individual starting work.
- checked the details on the existing DBS certificate using appropriate forms of identity e.g. cross-referenced address and date of birth details from other identity documents.
- seen the original DBS certificate not a copy
- only accepted an existing DBS check if it is at the right level

20. Overseas applicants

Where an individual is applying for a role that requires a DBS check and he/she has lived abroad in previous years, it may be necessary to undertake additional checks.

This is because the DBS check is unlikely to provide information relating to overseas criminal records. This may include obtaining 'Certificates of Good Conduct' from foreign embassies or police forces. Managers should contact HR Advisory who will take advice from the DBS on whether other checks should be undertaken or additional information obtained.

A Certificate of Good Conduct is a police check, provided by a foreign country. The level of information contained in these certificates varies from country to country. However, they may provide critical information, enabling the employer to ascertain a candidate's suitability to work.

Where a candidate has lived or worked abroad in the past 5 years, a Certificate of Good Conduct must be requested from each country that they have lived in during this period. Candidates are responsible for obtaining these certificates and for meeting any associated costs in doing so.

Where a Certificate of Good Conduct cannot be obtained, extra care will be taken to explore any gaps in employment. This may include external ID Verification and following up written references by telephone and/or requesting additional references.

Further guidance on obtaining information from other countries can be obtained at: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

21. Volunteers

The manager overseeing the volunteer position is responsible for determining whether a DBS check is required. An individual must not start in a volunteer role requiring a DBS check until a DBS check at the correct level, that meets the requirements of the post check has been obtained. There is statutory guidance on supervision of activity by workers with children that must be applied. This states that when a worker is supervised, activity that would normally be classed as regulated activity is classed as unregulated. This guidance should be consulted by the manager to determine if a volunteer will be supervised to such a level that the volunteer is not in regulated activity. This guidance is available at: <http://www.education.gov.uk/aboutdfe/statutory/g00213977/supervision-guidance>

Further guidance can be obtained from the HR Advisory team.

The manager is responsible for obtaining the DBS check using the online DBS system. There is no charge from DBS to process a check for a voluntary role provided that the role meets the DBS criteria for a free check.

where the outcome of a DBS check requires further consideration, the objective assessment process must be followed to determine if the individual can or cannot undertake the volunteer placement.

Where the objective assessment process indicates that the individual may present a risk to children or vulnerable adults, the potential volunteer should be informed of this

decision and the offer of a volunteer position will be withdrawn. There is no appeal mechanism for volunteers.

A decision to retain the voluntary worker where there is evidence of a conviction for a serious offence must be approved in writing by the Assistant Director/Executive Director.

22. Agency workers

The Procurement Service will ensure that any framework contracts for the provision of agency workers require providers to:

- be registered with DBS to undertake DBS checks.
- have pre-employment checking procedures and a DBS objective assessment procedure that are to the same standard as this organisation.

When procuring an agency worker, the manager must specify if a DBS check is required. A check at the appropriate level will be undertaken by the agency – DBS fees are paid by the provider.

The agency worker must show his/her original DBS certificate to the manager along with photographic proof of identity before starting a role requiring a DBS check. The manager must note the disclosure number, date of issue and the serial number of the ID document provided. This information must be retained for inspection; however the manager must not retain a copy of the disclosure.

Disclosure checks at the appropriate level form part of the terms and conditions of the Contracts for Services, Contracts with Voluntary organisations and Contracts for Residential and Nursing Care. When engaging agency workers, the organisation's purchasers will specify if a DBS check is required and the level of check required.

The Disclosure must have been undertaken by the provider at the start of the agency worker placement and re-checked within the past 12 months for employees with continuous employment with the agency.

23. Disclosure checks for other groups

Consultants

Self-employed Consultants/Interims engaged to undertake positions that are eligible for DBS checks must be checked at the appropriate level **before** starting an engagement – in exceptional circumstances a risk exemption may be obtained.

If the consultant/interim is engaged via an agency or organisation, the agency or organisation is responsible for undertaking the DBS check and providing proof that a check has been done. Where an individual is engaged directly, a DBS check will be undertaken using the online DBS system.

Where the outcome of a DBS check requires further consideration, an objective assessment must be undertaken. A decision to retain the consultant/interim must be approved in writing by the Director/Assistant Director/Executive Director.

School Age Volunteers

Young people often undertake volunteer activities across the organisation, e.g. young people assist with summer reading schemes within Library Services. DBS does not undertake checks for children under the age of 16. Instead the organisation will require a letter from the young person's school/college concerning his/her suitability to undertake the volunteer activity. Managers must obtain this letter before the young person starts to volunteer.

Work Placements

The manager should determine if a DBS check is required for an individual seeking to undertake a work placement. Where a DBS check is required, the individual should not start the work placement until a DBS check has been obtained. If the DBS check reveals a trace the objective assessment process must be followed to determine if the individual can undertake the work placement.

Schools with Independent HR Provision

Alongside the Department for Education guidance on 'Keeping Children Safe in Education', Independent HR/Personnel providers are expected to advise schools/academies to follow the guidance provided within this policy in relation to employees and volunteers in that sector.

Elected Members

Disclosure checks will be undertaken for elected members where they are undertaking an eligible position or if they are undertaking regulated activity in the course of their role.

Contractors

The organisation expects all Contractors that are used to:

- register with the DBS on their own account or
- use Northamptonshire County Council as an umbrella body

Contractors that are registered with the DBS must provide proof of registration before any services are commissioned for which a disclosure check is required. The contractor must also supply details of its policies and processes, including objective assessment procedures, which must be agreed with the organisation before any services can be commissioned. All associated expenses will be met by the Contractor.

Managers tendering contracts or commissioning work must ensure that proof of DBS registration is obtained from any contractor. Failure to do so will be considered a disciplinary offence.

Managers and Head Teachers should assess the risks of having contractors on their sites. In an emergency it is possible that the operative attending will not be DBS checked. Managers should contact the appropriate Director/Executive Director/Assistant Director, who will assess the risk and decide if the contractor can be deployed. The responsible person should assess the risk to the children in their

care. In all cases appropriate control measures should be taken e.g. supervising the operative and keeping children/vulnerable adults away from the work area.

24. Disclosure Costs

For potential/existing employees the fee for the DBS check plus an administration fee to will be charged to the Recruiting Manager's budget.

Teams recruiting volunteers will be charged the administration fee - the disclosure check itself is free.

Partner organisations and contractors will be charged the DBS fee plus an administration fee.

Voluntary Organisations will be charged an administration fee only. The administration fee is subject to review, further information is available from Payroll and HR Transactions.

25. Handling and using disclosure information

The organisation must comply with the DBS Code of Practice, the Data Protection Act and relevant policies held relating to the safe handling, use, storage, retention and disposal of Disclosure information.

26. Northamptonshire County Council (Northamptonshire County Council) as an umbrella body

Northamptonshire County Council will act as an Umbrella body, processing applications for other organisations that are not registered with DBS in their own right. Organisations using or seeking to use this service must:

- be approved to access the service by the Lead Counter-signatory;
- agree to comply with this policy and the Data Protection Act, DBS Code of Practice and other relevant legislation, statutory and policy guidance;
- pay the applicable DBS Disclosure fee and an administration fee.

Northamptonshire County Council reserves the right to withdraw access to this service where an organisation fails to comply with these conditions or where an organisation becomes eligible to register with the DBS in its own right.

27. Monitoring and audit

As a registered body and an umbrella body, Northamptonshire County Council will:

- undertake regular internal audits of the disclosure process;
- co-operate with compliance checks/audits from the DBS;
- report any suspected malpractice to the DBS (employers are liable for misuse of disclosure information);
- report any loss of disclosure information to the DBS; and

- use disclosure information for employment purposes only.

28. Sources of additional information

This policy should be read in conjunction with associated policies and guidance including those relating to the safe handling, storage and retention of disclosure information and the recruitment of ex-offenders. Additional information can be found at:

Disclosures and barring service homepage
www.homeoffice.gov.uk/crime/vetting-barring-scheme

Ofsted Guidance can be found at:
<http://www.ofsted.gov.uk/schools/for-schools/safeguarding-children>

Department for Health guidance on regulated activity (adults) can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

The Department for Education guidance can be found at:
<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring>