

# **Trowbridge Town Council**

Working with the community

## **Equal Opportunities Policy**

### **Part B Disclosure and Baring Services Checking Policy & Procedure**

#### **1. INTRODUCTION**

Trowbridge Town Council (“the Council”) uses the Disclosure and Baring Services (“DBS”) Disclosure service to help assess the suitability of employees, volunteers and outside staff, who are likely to come into contact with children, and/or vulnerable adults during their work.

This document has been developed with reference to the DBS’s Code of Practice (revised April 2009):-see *Appendix 1*. As well as detailing the Council’s policy regarding obtaining disclosures it covers the recruitment of ex-offenders, the use, handling, storage, retention and disposal of disclosure information, and the role of the Council as an “Umbrella Body”.

#### **2. POLICY**

To indicate an individual’s suitability to work, with children, and/or vulnerable adults, it is Council policy that employees, volunteers, councillors and outside staff undergo checks, either by self assessment and/or via the DBS. Any costs incurred in obtaining a disclosure required by the Council from the DBS will be met by the Council.

The Town Clerk will, in consultation with the appropriate line manager, decide if;

- any variations to the disclosure requirements are necessary
- the Council’s disclosure requirements have been met

#### **3. DBS REQUIREMENTS**

##### **3.1 Employees, Volunteers and Councillors.**

Persons undertaking specific roles (detailed below) on behalf of the Council are required to obtain a satisfactory DBS disclosure at enhanced level prior to commencing work with the Council. An updated disclosure will be required every three years, with a Disclosure and Baring Service Self Certification being completed in the interim years.

Disclosures which were obtained for a position in another organisation cannot be accepted for a role within the Council, unless the individual concerned has been undertaking the role for a period of 3 years up to the present date, during which time they have received satisfactory enhanced DBS disclosures. In instances where an employee is required to obtain an updated enhanced disclosure (i.e. after 3 years) the Council will accept a full disclosure obtained for an alternative body (e.g. OFSTED, Carnival) if it has been obtained within the last three months.

Failure to provide a satisfactory disclosure when requested may result in employment being terminated.

Once a DBS disclosure has been obtained, it is the responsibility of the employee/volunteer/councillor to ensure their Manager or the Town Clerk and subsequently the Head of Resources has had sight of this and recorded the necessary information (see *section 9*).

### 3.1.1 Active Trowbridge

Persons undertaking roles which require the supervision of children and/or vulnerable adults as part of the activities provided by Active Trowbridge, including sports coaching, holiday fun days, road-show activities, etc. require an enhanced DBS. This includes but is not limited to the department Manager, Supervisors, Team Leaders, Coaches and administrative support staff, including casual staff, volunteers, freelance staff and contractors.

### 3.1.2 Trowbridge Museum

Persons undertaking roles which require the supervision of children and/or vulnerable adults as part of the education activities provided by Trowbridge Museum, including school visits, regular activities, holiday fun days, and outreach activities, etc. require an enhanced DBS. This includes but is not limited to the Education Officer, Education Assistant, Volunteers and support staff, including casual staff, freelance staff and contractors.

### 3.1.3 Licence Holders and Security Industries Association (SIA) badge holders.

Persons undertaking roles which require the employee to obtain a Personal Licence or and SIA badge require an enhanced DBS. This includes but is not limited to the Facilities Manager and Civic Centre Supervisors, including casual staff, freelance staff and contractors.

### 3.1.4 Others

Persons employed or in a voluntary position, including Councillors, who undertake a role likely to give substantial access to children will also, be required to obtain an enhanced disclosure before starting such a role.

## 4. UNSATISFACTORY DBS

If a DBS disclosure is returned to the Council with a previously undeclared conviction, the following steps will be taken:

- 4.1 The employee's Manager should discuss the details from the disclosure with the Town Clerk to determine the action that should be taken.
- 4.2 If any concerns are raised by the Town Clerk, then a meeting between the employee, the Manager and the Town Clerk should take place to discuss the matter. The employee may be accompanied at the meeting by a representative or friend.
- 4.3 The employee will then be advised of the outcome.

## 5. EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances it may be possible for outside staff to be hired to provide support in areas where they might otherwise be excluded i.e. play areas, museum activities, children's fun days. In such circumstances the following procedure should be followed:

- a risk assessment form should be completed by the relevant departmental manager

**Note:** the risk assessment should be annotated to include:

- time on site
- time off site
- date of event
- name of individual(s) carrying out work
- name of supervisory staff member (see below)

- the Child Protection Officer should be notified of the requirement in writing
- a member of staff who has suitable DBS clearance should constantly supervise the individual(s) while they undertake their work

## 6. RECRUITMENT OF EX-OFFENDERS

As an organisation using the DBS service the Council undertakes to treat all applicants for positions fairly. In line with its Equal Opportunities Policy it promotes equality and welcomes applications from a wide range of candidates, including those with criminal records.

The Council will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

Disclosures are requested for specified permanent, temporary, full or part time positions. Recruitment documentation and job adverts for such roles will contain a statement that a disclosure will be required in the event of the individual being offered a position.

As a disclosure forms part of the recruitment process, applicants are asked to provide details of their criminal record at an early stage in the application process. The Council requests that this information is sent under separate, confidential cover, to the Head of Resources and guarantees that the information will only be seen by those who need to see it as part of the recruitment process.

The Council will ensure that;

- this statement on the recruitment of ex-offenders is made available to all disclosure applicants at the outset of the recruitment process
- anyone who is subject to a disclosure is aware of the existence of the DBS Code of Practice and that a copy is available on request
- all those involved in the recruitment process are suitably trained to identify and assess the relevance and circumstances of offences
- all those involved in the recruitment process receive appropriate guidance and training in relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (see also Appendix 2)
- candidates for interview are selected based on their skills, qualifications and experience
- at interview, or in a separate discussion, an open and measured discussion takes place on the subject of any offences or other matter that may be relevant. **Note:** failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- any matter revealed in a disclosure will be discussed with the person seeking a position before withdrawing a conditional offer of employment

**Having a criminal record will not necessarily bar anyone from working with the Council.**

This will depend on the nature of the position and the circumstances and background of the offences. Please refer to additional information in Appendix 2 which relates to the Rehabilitation of Offenders Act.

## **7. HANDLING AND USAGE OF INFORMATION**

DBS disclosure information will only be used for the specific purpose for which it was requested and the Council recognises that is a criminal offence to pass any information related to a disclosure to anyone not entitled to receive it.

Information should only be passed to those who are authorised to receive it in the course of their duties, namely;

- an employee acting as a counter-signatory on disclosure applications (see *Section 10*)
- the Head of Resources, who has responsibility for recording DBS disclosure numbers and issue dates, as well as advising staff/volunteers when subsequent disclosures are due
- an appropriate member of the Council's Operational Management Team (*in instances when disclosure information gives cause for concern*)

Disclosure information should not be revealed to any external organisations (e.g. schools may enquire with regard to Sports Coaches) unless the holder has given their consent and authorisation has been given by the Town Clerk. In such circumstances only the disclosure number and issue date should be made known.

## **8. STORAGE & RETENTION**

No copies of a disclosure or its content, in any format, will be made, unless it is done so with the prior agreement of the employee/volunteer/councillor.

Details of disclosure numbers and issue dates are held, on a password protected spreadsheet, maintained by the Head of Resources.

Once details of the disclosure number and issue dates are recorded, the disclosure is returned to the applicant.

In instances when disclosures give cause for concern a copy may be kept on file for a maximum of 6 months (to allow for consideration and resolution of any disputes or complaints).

In instances where it is necessary to hold disclosure information on file it will be kept securely in a lockable cabinet (non-portable), with access limited to those entitled to see it as part of their duties (see *Section 3*).

## **9. DISPOSAL**

In instances where disclosures are held on file they will, once the retention period has elapsed, be destroyed in a secure and confidential method, i.e. shredding.

## **10. AN UMBRELLA BODY**

In its capacity as an Umbrella Body, the Council will take all reasonable steps to ensure that any organisation, on whose behalf we are countersigning applications and receiving Disclosure information, can fully comply with the DBS Code of Practice (see *Appendix 1*).

All reasonable steps will be taken to ensure that the information provided by the Council to these organisations will be handled, used, stored, retained and disposed of in full compliance with the DBS Code of Practice and in accordance with this policy.

In addition the Council will ensure that any body or individual at whose request applications for Disclosure are countersigned has a written policy and, if necessary, will provide this policy for that body to use or adapt for this purpose.

Any Council employee who applies to become a counter-signatory will be issued with a copy of the DBS Code of Practice for information/guidance.

**DBS PROCEDURE FOR COUNTER-SIGNATORIES**

1. Counter-signatories are responsible for meeting with the applicant in person, to check all relevant documents, ensure that it is the true identity of that applicant and then complete the last page of the form, ensuring that it is signed clearly.
2. All completed application forms should be given to the Lead Counter-signatory for checking immediately after completion, along with a cheque request and an envelope addressed to the DBS.
3. Counter-signatories are responsible for ensuring they record the following information from each application: date completed, name of applicant, application number. This information should be stored on a password protected spreadsheet or in a book which must be locked away confidentially.
4. Counter-signatories should encourage applicants to make a note of their individual application number. Applicants are responsible for tracking the progress of their own applications and this can be done by visiting <https://secure.crbonline.gov.uk/enquiry/enquirySearch.do>
5. Should a new member of staff have a current DBS (dated within the last 2 years,) the Counter-signatory should check with the Lead Counter-signatory to establish whether this can be used as a temporary measure until a Town Council specific DBS has been obtained.
6. It is the counter-signatory’s duty to inform the DBS of any child protection issues that may arise during any individual’s employment.
7. Once received, all DBS certificates should be given to the Head of Resources for recording.

**APPENDICES**

**Appendix 1**                      **DBS Code of Practice**  
 Available to download from:  
<https://www.gov.uk/government/publications/dbs-code-of-practice>

**Appendix 2**                      **The Rehabilitation of Offenders Act 1974 (guidance)**  
 Available to download from:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/148542/rehabilitation-offenders.pdf.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/148542/rehabilitation-offenders.pdf.pdf)

**Lance Allan – Town Clerk & Proper Officer**

Signed :..... Date:.....

*This document was approved by the Policy & Resources Committee on 4<sup>th</sup> September 2018.  
 It will be reviewed and updated on a four yearly basis or more frequently if legislation or the size and nature of the Council changes. Next review date September 2022*

## Appendix 2

Information taken from the DBS website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/148542/rehabilitation-offenders.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/148542/rehabilitation-offenders.pdf)

### **WHAT IS THE REHABILITATION OF OFFENDERS ACT (ROA) 1974?**

The Rehabilitation of Offenders Act (ROA) 1974 applies to England, Scotland and Wales, and is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since.

Anyone who has been convicted of a criminal offence, and received a sentence of not more than 2.5 years in prison, benefits as a result of the Act, if he or she is not convicted again during a specified period otherwise known as the 'rehabilitation period'. The length of this period depends on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'.

For example, if a person receives a sentence of imprisonment or detention in a young offender's institute of between 6 months and 2.5 years, the rehabilitation period is 10 years, or 5 years if the individual was under 18 at the time of conviction. For an absolute discharge the rehabilitation period is six months.

Sentences can carry fixed or variable rehabilitation periods and these periods can be extended if the person offends again during the rehabilitation period. However, if the sentence is more than 2.5 years in prison the conviction never becomes 'spent'. It is the sentence imposed by the courts that counts, even if it is a suspended sentence, not the time actually spent in prison.

Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions order to the ROA. The two main exceptions relate to working with children or working with the elderly or sick people. If a person wants to apply for a position that involves working with children or working with the elderly or sick people they are required to reveal all convictions, both spent and unspent.