

Introduction

The Disclosure and Barring Service (DBS), an executive agency of the Home Office, provides access to criminal record and other information to organisations in England and Wales through a service called Disclosure. Its specific purpose is to help organisations make more informed decisions when recruiting people into positions of trust.

The Disclosure service is also available to other professional, licensing and regulatory bodies whose volunteers, employees and licensees are not necessarily in direct contact with the vulnerable, but still need to uphold the highest standards of professional performance and Disclosure can help improve these recruitment decisions as well.

Through the Disclosure service, organisations can provide greater protection for the vulnerable members of our society and afford greater protection to their customers, staff, volunteers and ultimately their organisation.

What information is available through the DBS?

The DBS's Disclosure service provides access to a range of different types of information, such as, information:

- held on the Police National Computer (PNC) and other data sources, such as, convictions, cautions, reprimands and warnings in England, Wales and those recorded from Scotland. There is also some Northern Ireland conviction data held on PNC
- information on local police records
- Barred List information

Types of criminal record check

Standard check

The standard check is available for certain specified occupations, licences and entry into certain specified professions. These are listed in the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#). It contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC).

Enhanced check

The enhanced check is available for those carrying out certain activities or working in regulated activity with children or adults; applicants for gaming and lottery licences; and judicial appointments. These are listed in [Part V of the Police Act 1997](#). It contains the same PNC information as the standard check but also includes a check of police records held locally.

Enhanced with a barred list check

An enhanced check with barring lists is only available for those individuals who are in regulated activity and a small number of positions listed in Police Act regulations, for example, prospective adoptive parents.

It contains 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.

DBS adult first check

DBS adult first is a service available to organisations who can request a check of the DBS adults' barred list. Depending on the result, a person can be permitted to start work, under supervision, with vulnerable adults before a DBS certificate has been obtained. Read application guidance and [request an adult first check](#). The requests carry strict criteria:

- the position must require a criminal record check by law
- the position must be eligible for access to the DBS adults barred list
- the organisation must have requested a check of the DBS adults barred list on the DBS application form

The DBS reply to a DBS adult first check request will contain one of the following responses and will clearly state that it only forms the first part of the criminal record check application process and that further information will follow:

- option 1: 'registered body must wait for the DBS certificate'
- option 2: 'no match exists for this person on the current adults barred list'

If the DBS adult first check indicates that the registered body must wait for the DBS certificate, the details provided may have indicated a match on the DBS adults barred list. However, further investigation is required to confirm this and you should await the certificate. Alternatively the check will state that no match exists for the individual on the adults barred list.

Why might I be asked to apply for a Disclosure?

You might have been asked to apply for a Standard or an Enhanced Disclosure if you will be working:

- regularly with children or adults;
- in an establishment that is wholly or mainly for children;
- in healthcare; or
- have applied to be a foster carer, adoptive parent or childminder.
- in certain other professions

A Disclosure may also be required for a range of other types of job or licences. To find out more please visit www.gov.uk/dbs

I already have a Disclosure, can I use it again?

You might have to have another DBS check if you move to another job that involves working with children or vulnerable adults. If you have been asked to apply for a DBS check, and already have one from a previous role, you can ask if the organisation is willing to accept it. Pendle Leisure Trust only accepts DBS certificates that have been carried out by the Trust itself unless you have signed up to the Update Service below. If your DBS certificate is lost or destroyed, the DBS cannot provide a replacement certificate. You will need to apply and pay again.

The DBS also launched an update service in June 2013 which gives you the opportunity when applying for a new disclosure, to subscribe to the update service. This means that you may never need to apply for another disclosure and your employer will be able to check on line to see if the last disclosure you had is still current. For more information visit the DBS website www.gov.uk/dbs-update-service

What if I have lived overseas?

If you have lived overseas for a substantial period of time, it may not be worth applying for a Disclosure, as the DBS does not generally have access to overseas criminal records. However, some organisations have a legal responsibility to check if a person is banned from working with children or vulnerable adults and can only do this through the Disclosure service. The DBS can also advise on how to obtain equivalent information from the overseas authorities, where available.

How do I pay for my Disclosure?

The DBS charge a Disclosure application fee, which is paid for by Pendle Leisure Trust. If you are a volunteer, the DBS will issue the Disclosure free of charge.

How do I apply for a Disclosure?

The Trust will ask you to complete an application online. You will receive an email from employmentcheck.org. You will then be asked by your Manager to provide a number of documents to confirm your identity. ***Failure to comply with this request will result in suspension/non-confirmation of your employment as the Trust needs to ensure a duty of care to all concerned.***

Who will receive my Disclosure?

When the application is processed, the DBS sends out a copy of the Disclosure certificate, containing any information revealed during its searches directly to you and **NOT** to Pendle Leisure Trust (the employer). The Trust will receive a confirmation email that your DBS has been completed and whether or not it is clear.

How do I know that the information contained on my Disclosure will remain confidential?

Organisations using the Disclosure service must comply with the DBS Code of Practice, which is there to make sure the whole process works fairly and that any information revealed is treated fairly and securely. Also, the DBS is committed to compliance with the Data Protection Act. This means that any personal information that you submit to us will be protected.

Under the provisions of the Code, sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. The Code is published on the DBS website, or you can request a copy from the person who asked you to apply for the Disclosure. Please see the Trust's Handling of Data Policy below.

What if I have a criminal record that may not be relevant to the position for which I am applying?

Safeguards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are not treated unfairly. Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974. In addition, the DBS and the Chartered Institute of Personnel and Development (CIPD) have developed guidance information for employers on this matter. Please see the Trust's policy on the Suitability of Ex-offenders for Employment below.

Will all of my criminal record be included in the Disclosure?

From 29 May 2013, the DBS will remove certain specified old and minor offences from criminal record certificates issued from this date. Changes to the legislation were introduced to allow us to do this.

Filtering rules for criminal record check certificates For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS certificate if:

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence

Even then, it will only be removed if it does not appear on the list of offences which will never be removed from a certificate. If a person has more than one offence, then details of all their convictions will always be included. An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years. The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

What if things go wrong?

The DBS has established a comprehensive complaints process and as part of our commitment to provide a high standard of customer service we will always:

- act fairly and impartially
- communicate effectively
- deal promptly with all enquiries
- endeavour to learn from our mistakes

For how long will Disclosures be valid?

Each Disclosure will show the date on which it was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the Disclosure at any time after it is issued.

Should there be any changes to your criminal record it is **your** full responsibility to inform the Trust and you will be charged for a new DBS check if one is required.

Further Information

If you would like more information about DBS or its Disclosure service visit their website www.gov.uk/dbs or call them on **03000 200 190**. (Telephone calls are charged at national rate. Calls will be recorded for security and may be monitored for training purposes).

* A volunteer can be defined as a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.

Data Handling Policy



1. Policy Statement

1.1 General principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Pendle Leisure Trust complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018, and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available on the Trust's website www.pendleleisuretrust.co.uk

1.2 Storage and access

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

1.3 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 certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

To note: those registered organisations which are inspected by the Care Quality Commission (CQC), or Ofsted and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW) may be legally entitled to retain the certificate for the purposes of inspection.

Once the inspection has taken place the certificate should be destroyed in accordance with the [code of practice](#).

In addition, organisations that require retention of certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. This practice will need to be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR), and incorporated within the individual organisation's policy on the correct handling and safekeeping of DBS certificate information.

1.4 Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

1.5 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

1.6 Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will 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.

1.7 Acting as an umbrella body

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the [code of practice](#) and in full accordance with this policy.

We will also ensure that anybody or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

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POLICY ON THE SUITABILITY OF EX-OFFENDERS FOR EMPLOYMENT



- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Pendle Leisure Trust complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.
- Pendle Leisure Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Pendle Leisure Trust can only ask an individual to provide details of convictions and cautions that Pendle Leisure Trust are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).
- Pendle Leisure Trust can only ask an individual about convictions and cautions that are not protected.
- Pendle Leisure Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Pendle Leisure Trust has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
- Pendle Leisure Trust actively promotes 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.
- Pendle Leisure Trust select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- Pendle Leisure Trust ensures that all those in Pendle Leisure Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- Pendle Leisure Trust also ensures 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.
- at interview, or in a separate discussion, Pendle Leisure Trust ensures 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.
- Pendle Leisure Trust makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.
- Pendle Leisure Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.