

Conquest Centre

Disclosure and Barring Service Policy

Policy Owner	Data Protection Officer
Date of Original Issue	08.2021
Policy Last Reviewed	01.2026
Date of Next Review	01.2027
Version	V2



Animals • Wellbeing • Nature • Connection

Registered Charity No. 1103883 / Registered Company No. 5079915

DISCLOSURE AND BARRING SERVICE POLICY

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DISCLOSURE AND BARRING SERVICE POLICY

1. Policy Statement

Conquest Centre is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

However, this duty must be carried out with due regard to all other relevant legislation including the Protection of Freedoms Act 2012, the Data Protection Act (1998), the DBS Code of Conduct and the Human Rights Act (1998).

It is a requirement that Conquest Centre volunteers and staff, aged 16 years and over, who are involved with the Conquest Centre, are checked for criminal disclosures.

Applicants should be informed at the outset of application that an Enhanced Disclosure will be requested from them. This will provide a basis for the applicant to decide whether or not to apply for the role. Conquest Centre should emphasise that this information will be used only to assess the applicant's suitability for the role insofar as it is relevant, and that they will not be discriminated against unfairly.

2. Data Protection

Conquest Centre supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Conquest Centre has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Every member of Conquest Centre has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Conquest Centre Data Protection Policy.

3. Disclosure of Information

Any use or disclosure of information held within Conquest Centre, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

4. Regulated activity at Conquest Centre

Regulated activity relating to children is defined as work that a barred person must not do. Regulated activity includes:

- a) Teaching, training, instructing, caring for or supervising children in an unsupervised capacity;
- b) Providing advice/guidance on well-being to children in an unsupervised capacity;
- c) Driving a vehicle for children only in an unsupervised capacity
- d) Work for a limited range of establishments (specified places which include schools and colleges) with opportunity for contact with children.

Work under (a), (b), (c) or (d) is regulated activity only if done regularly. This is work that is done on a 'regular' basis i.e. one or more times a week or on 3 or more days in a 30-day period. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

e) Relevant personal care, or health care:

f) Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing.

Health care means care provided by, or under the direction or supervision of, a regulated health care professional.

A supervised volunteer is not in regulated activity. Conquest Centre may carry out an enhanced DBS check, without barred list information, for volunteers who are not engaging in regulated activity.

Further information can be found in Eligibility guidance for enhanced DBS checks - GOV.UK (www.gov.uk)

5. Obtaining DBS checks

In order to carry out thorough DBS disclosure checks, Conquest Centre will use UCheck / DBS Assist to complete a DBS application. The applicant will be required to produce originals of three documents from two specific lists.

The DBS check will be received by the applicant in hard-copy form. An electronic copy will be available to Conquest Centre via UCheck / DBS Assist, this will be checked before the applicant / employee can begin work.

For employees who choose to subscribe to the DBS update service Conquest Centre will ask for permission to check their DBS check online.

6. DBS Rechecks

A DBS re-check must be carried out every three years to ensure Conquest Centre remains compliant with regulatory requirements.

Conquest Centre will monitor the renewal date of DBS checks for employees and volunteers (including trustees) and must initiate the DBS re-check process every three years.

The employee will be required to complete the necessary forms and agree to checks being carried out. Where an employee / volunteer subscribed to the DBS update service, Conquest Centre will apply for an update on their DBS check status. A recheck will include checks against the barred lists.

If Conquest Centre is concerned about an existing employee or volunteer's suitability to work with children, the centre may carry out a DBS re-check, in addition to all other relevant checks as appropriate, at any point even if the three-year period has not elapsed.

7. The DBS update service

At the point of having a DBS check the employee can opt to subscribe to the DBS's online update service the annual subscription fee will be paid by Conquest Centre. For volunteers (including trustees) there is no annual subscription fee.

A DBS check from a previous role or employer within the same workforce will be portable if the employee has subscribed to this online DBS update service.

For all employees who have subscribed to the DBS online update service, Conquest Centre will check the status of their DBS annually, which is carried out online. Conquest Centre will apply for a new DBS check if additional information has been added to the DBS check since it was last issued. Additional information means:

- a new caution
- a new warning
- a new reprimand
- been banned from working with children or vulnerable adults or both
- a new conviction
- any new, relevant, police information.

For employees who are not subscribed to the online update service Conquest Centre will apply for a DBS check in the usual way. For Employees this will be every three years for volunteers every five years.

8. Volunteers and Employees with Criminal Records

If an applicant for a role with Conquest Centre is shown to have a criminal record, this does not necessarily bar them from working with Conquest Centre. The fact that a person has a criminal record may be irrelevant to the role for which they are applying. Conquest Centre accepts that it is not possible to define a course of action for every possible criminal record that may be disclosed. Conquest Centre will treat each case individually, taking into account the nature of the offence disclosed and the role for which they have applied.

If an applicant is shown to have a criminal record the following procedure should be followed:

- The applicant shares the information, as shown on the original disclosure certificate, with Conquest Centre's Safeguarding Officer;
- The applicant agrees to the information being shared with Conquest Centre Trustees. If the applicant does not give approval for this information to be shared, s/he cannot be accepted as a volunteer/employee;
- If it is agreed, between the Trustees and Safeguarding Officer, that the information is not a cause for concern the applicant may be accepted as a volunteer/employee;
- If it is agreed between the Trustees and the Safeguarding Officer that the information is a cause for concern, the applicant will not be accepted as a volunteer/employee.
- If the applicant disputes the information on the disclosure, the process will be put on hold to allow the information to be checked. If, as a result of this, Conquest Centre is not happy with the assurances and new information provided, the volunteer will not be accepted as a volunteer/employee.

9. New offences for existing employees

All employees at Conquest Centre are required as part of their contract of employment to inform the Centre Manager (in the case of the centre manager the chair of trustees) of any police investigation, charge, caution, reprimand, warning, fine or conviction against them immediately. All such disclosures will be handled in accordance with the relevant procedure, and consideration will be given as to whether suspension from duties is required while an investigation takes place.

10. Further information

<https://www.gov.uk/government/publications/dbs-privacy-policy>

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

11. Policy Review

The Centre Manager is responsible for monitoring and reviewing this policy. This policy will be reviewed annually. In addition, changes to legislation, national guidance, codes of practice or government advice may trigger interim reviews.