

Disclosure and Barring and Overseas Criminal Check Policy

	Name	Role
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1. Policy Statement

Because of the nature of the services delivered by **halow**, which involve support to children and adults with learning disabilities, all staff (paid or unpaid) will be expected to adhere to this policy.

Any person employed, or recruited to regularly volunteer, by halow to either a paid or an unpaid role will require to be checked by the Disclosure and Barring Service (DBS) and, if relevant, provide an Overseas Criminal Record Certificate prior to taking up their role.

The level of DBS check varies by employee/volunteer depending on whether they deliver frontline or back office support, whether it is a “Regulated Activity”, and whether the work is regularly or irregularly delivered.

2. Level of DBS Check Required

a) An “Enhanced” DBS with list checks

- An Enhanced DBS check, details any cautions, warnings, reprimands or convictions on an individual's criminal history and, in this case, will also check against the children and/or adults barred lists.
- Anyone that carries out a Regulated Activity as defined by the [Safeguarding Vulnerable Groups Act 2006](#) (SVGA) which has been amended by the [Protection of Freedoms Act 2012](#) (PoFA) must have an **enhanced** DBS Check.
- A Regulated Activity is defined as:
 1. Anyone whose role includes the day-to-day management or supervision of those that carry out a regulated activity.
 2. Assisting with or providing advice/guidance or training in relation to, personal care to an individual because of age/illness/disability. Personal care is defined as:
 - a. Eating/drinking
 - b. Using the toilet
 - c. Washing, bathing or showering
 - d. Getting dressed/undressed
 - e. Assisting with oral hygiene, skin, hair or nails (except those employed purely for cutting hair).
 - f. Being present in the room in a supportive capacity when any one of above are being undertaken

3. Assisting an individual to manage their money, pay bills or do shopping.
 4. Transporting people to and from an activity, which will include an element of social/personal or health care.
- **Roles:**
 - All support worker roles
 - All office-based staff working within the **halow care** department
 - All frontline project delivery staff including Heads of Department, Managers, Coordinators and Project Workers
 - Safeguarding and Compliance roles
 - Anyone acting as the CQC registered manager
 - Volunteers delivering regulated activity (including Trustees); and
 - Directors due to their responsibilities of overseeing and managing those staff providing frontline care.

b) A “Basic” DBS check

- A Basic DBS check contains any convictions or cautions that are unspent. This can be used for any position or purpose and therefore applies to halow support roles.
- **Roles:**
 - Business support roles including the HR team
 - Volunteers that regularly support **halow** but do not deliver regulated activities
 - Finance roles; and
 - Fundraising roles.

c) No DBS check required

- Infrequent volunteers (defined as no more than 3 days within a 30-day period, with no overnight activities), e.g. Corporate Volunteer Days, helping in a supervised setting do not require a DBS check as the infrequency of the activity will not be sufficient to undertake a DBS check. However, enquiries and references of character should be obtained from the volunteer’s employer/sponsor. Irregular volunteers must **never** be left alone with a young person.

3. Overseas Criminal Record Certificate

- Where any prospective employees will be working frontline (including regulated under CQC and non-regulated) or a regular volunteer, and have spent six months or more overseas within the last five years they will be required to provide an Overseas Criminal Record Certificate check from that country to cover that period.
- Where it is genuinely not possible to obtain any overseas criminal record information, it will be necessary to make efforts to obtain criminal records information and gather all available information to confirm that the person is of good character, for example we may accept references from previous places of study or employment in that country. A risk assessment must be undertaken by the Hiring Manager and authorised by the Managing Director in this instance.
- Further information regarding obtaining a police check from other countries is available via the website for guidance on criminal record checks for overseas applicants at the [DBS website](#). Please be aware that some overseas countries will charge for a police check. Information for the different countries and fees involved can be found at the above link. **halow** will reimburse you up to £50 for costs in respect of the overseas criminal check upon receipt of an expenses claim form and evidence of the expenditure (e.g., receipt).
- are not responsible for the obtaining Overseas Criminal Record Certificates or covering the costs of the same.

- The original Certificate must be produced to the office when received where a copy will be taken for the relevant personnel file.

4. The Recruitment of Ex-Offenders

- This section constitutes **halow**'s written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.
- 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), **halow** complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.
- **halow** undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- **halow** can only ask an individual to provide details of convictions and cautions that **halow** 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) **halow** can only ask an individual about convictions and cautions that are not protected.
- In order to reduce the potential for over disclosure or under-disclosure, applicants should be signposted to [Nacro](#) for confidential advice, guidance and support prior to answering any questions about their criminal record.
- **halow** 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.
- **halow** has a written policy
- **halow** 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.
- **halow** 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.
- **halow** ensures that all those in **halow** who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- **halow** 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, **halow** 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.
- **halow** 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.

• **halow** undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

5. Decisions Relating to Offences

- When offences show on a person's DBS check/Overseas Criminal Police Check a F005 DBS Disclosure Risk Assessment will be undertaken with the individual. Decisions relating to whether a person will be employed or taken on as a volunteer will be the responsibility of a panel consisting of the Managing Director, Head of Safeguarding & Compliance and Head of HR where disclosures show on a person's DBS Check/Overseas Criminal Police Check. The outcome will depend on the following:
 - Whether the offence is considered a 'barring offence'.
 - If the offence was against a person.
 - Whether the offence is one that could be carried out in the course of their work/volunteering role.
 - How long ago the offence took place.
 - How many offences there are and over what period of time.
- Candidates and employees will not be discriminated against because of information disclosed. However, the safety of those we support will always be prioritised.
- **halow** will ensure that all sensitive information relating to individuals and their DBS and Overseas Criminal Checks is handled, stored and destroyed in line with the Data Protection Act 1998 and General Data Protection Regulations 2018.
- Employees and volunteers MUST inform **halow** in writing of any changes to their circumstances about criminal convictions. Failure to comply with this request will result in disciplinary action against the employee.

6. DBS Checking Procedure

- DBS checks are handled on behalf of **halow** by Carecheck, acting as an umbrella organisation. New employees will be sent the relevant information about how to do the initial part of the check. This is done online, and can be completed in their own homes, library, etc.
- For the second part of the check, applicants will need to attend the **halow** offices to show the required documentation.
- Once this visual check of documentation is complete, the DBS is processed and paid for online by a member of the **halow** team.
- The disclosure will be received by the applicant, with **halow** also notified of its completion. Once received, the applicant must bring a copy of the full original disclosure certificate to the **halow** offices. A copy of the original will be digitally stored on the employee's personnel file. Please note both sides of the document will be checked and copied.
- **halow** will cover the cost of the initial DBS check. Where the original is lost the employee/volunteer will be responsible for the replacement cost.

7. DBS Update Service

- The [Update Service](#) is an online subscription (for standard and enhanced checks only) that allows applicants to keep their DBS certificates up to date and allows employers to view an applicant's certificate.

- Applicants have a two-week window to register for the DBS update service. This annual update fee (£13 at the time of publication) is the responsibility of the employee. There is no charge for a volunteer. Employees and volunteers need to [register for the Update Service](#).
- The DBS Update Service cannot currently be used for basic checks.
- The organisation will accept disclosures from new employees/volunteers at the level and workforce required for the role that are actively subscribed to the Update Service (or no more than three months old if ineligible for an Update Service subscription). However, until an up to date DBS Check has been received, employees and volunteers will not be permitted to undertake a regulated activity as defined above.

8. Important – unsupervised work

Please note in the absence of receipt of satisfactory original documents DBS and/or Overseas Criminal Record Certificate unsupervised work within our regulated and frontline services will be strictly prohibited. A F004 Working without a Risk Assessment will be undertaken where it has not been possible to procure an original document e.g. an Overseas Criminal Check because the country does not issue this must be authorised by the Managing Director, Head of Safeguarding & Compliance and / or Head of HR.

9. Related legislation

- Data Protection Act 1998, GDPR 2018
- Safeguarding Vulnerable Groups Act 2006
- Care Act 2014
- Protection of Freedoms Act 2012

Schedule of Changes

Name	Role	Date of Review	Scope of changes made to policy