



Document	Disclosure Barring Service (DBS)
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Highgrade Recruitment Ltd will process a DBS with the client's permission and submission of the relevant documents and paperwork. If a current DBS is provided by the client and it is registered with the Update Service, Highgrade will be able to accept the current certificate number, providing that the categories of 'Child Workforce' are stated and NOT 'Adult & Child Workforce' or 'Adult Workforce'. If this is the case then Highgrade will require a new DBS for 'child workforce'. Checks on DBS are then carried out 6 monthly.

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012. It has taken on the functions of the Independent Safeguarding Authority and is merged with the Criminal Record Bureau. This safeguarding regime has been created as a result of the Bichard enquiry into the Soham murders. One of the key findings from the enquiry was the fact that while a number of different agencies held information about Ian Huntley, which raised concerns, the absence of a centralised organisation that could bring all of that information together meant that it was not possible to gain the whole picture with regard to these concerns.

The DBS is responsible for maintaining both the children's barred list and the adult's barred list which contain the details of those barred from carrying out regulated activity with children and vulnerable adults, respectively. The DBS is also responsible for determining who should be included in either or both lists and barred from carrying out regulated activity.

Recruiters must bear in mind the interaction of the Safeguarding Vulnerable Groups Act 2006 with the Conduct of Employment Agencies and Employment Businesses Regulations.

Regulation 20(2) states that an employment business must inform the hirer and terminate the supply of a temp if it receives information 'which gives it reasonable grounds to believe that a work-seeker is unsuitable for the position.'

Regulation 20(3) states that if an employment business receives information 'which indicates that a work-seeker may be unsuitable for the position with the hirer....but where the information does not give reasonable grounds to believe that the work-seeker is unsuitable' it must inform the client and then make enquires about the suitability of the temp for that position. If as a result of those enquiries the employment business has reasonable grounds to believe

that the temp is not suitable for the position, it must then terminate the supply.

In either of these cases, if the supply of the temp is terminated due to the temp's unsuitability under the Safeguarding Vulnerable Groups Act 2006 there would be a duty to refer this to the DBS.

Regulation 20(4) of the Conduct Regulations applies to employment agencies. It requires an agency to notify a client if it receives information about a work-seeker it has introduced to the client, which indicates that the work-seeker 'is or may be unsuitable' for the position. This obligation applies if the employment agency receives such information within three months from the date of the introduction. If the reason for the unsuitability is due to safeguarding issues under the Safeguarding Vulnerable Groups Act 2006 and the client subsequently dismisses the work-seeker from the 'regulated activity' (or would have done if the work-seeker had not resigned), this arguably would also trigger the duty for the employment agency to make a referral.

In this regard it is important to note that although the Conduct Regulations impose a three month limit on the period that the employment agency is required to notify its client about information received about a work-seeker, there is no similar provision in the Safeguarding Vulnerable Groups Act 2006. This means that if the employment agency is advised by the client of a safeguarding issue which leads to a candidate being withdrawn from a 'regulated activity' even after three months, there may still be an obligation for the agency to make a referral.

The Update Service

The Update Service is an online subscription that lets employers carry out a free, instant online check to view the status of an existing standard or enhanced DBS certificate.

This can only be done if:

- the employer has the individual's consent
- the employer could legally request a new DBS check for the role that the individual is applying for
- it is for the same workforce, where the same type and level of criminal record check is required

This is because the employer is initially responsible for understanding and applying the relevant legislation to each role that they are recruiting for.

The Update Service is not currently available for basic checks.

An individual can show their certificate to anyone because it contains their information, and they can give consent to an employer to view their status on the Update Service, as mentioned above.

Benefits of the service

- instant, online checking of DBS certificates
- no more DBS application forms to fill in
- you may never need to apply for another DBS check for an employee again
- fewer administrative procedures
- saves you time and money
- enhances safeguarding processes
- easy to incorporate into existing suitability decision-making procedures

Helping applicants to join the Update Service

At current, an individual can join the Update Service before submitting their DBS check application, during the application process and after the issue of their DBS certificate.

As the employer, you can provide the applicant with certain information they need to join the Update Service.

Individuals can join the Update Service:

- with their application form reference number before the application is submitted or during the application process - you can provide this or they can find it in the top right-hand corner of the front page of the application form

- with the application e-reference number if you submit applications electronically

If the individual joins with their application form reference or e-reference number, the application must be received by the DBS within 28 days of the subscription being created, or the subscription will fail.

When the applicant's DBS certificate is issued we will automatically add it to their account and their subscription to the service will then be live.

Individuals can also join after the DBS certificate being issued using the certificate reference number - they must do this within 30 days of the 'date of issue' displayed on the certificate

Status checking

Before you carry out a status check you will be asked to complete a legal declaration confirming that you have the individual's consent, and that you have the legal right to 'ask the exempted question'. The declaration you need to agree with is:

I confirm I have the authority of the individual to which this DBS certificate number relates to receive up-to-date information (within the meaning of section 116a of the Police Act 1997) in relation to their criminal record DBS certificate for the purposes of asking an exempted question within the meaning of section 113A of the Police Act 1997; or in relation to their enhanced criminal record DBS certificate for the purposes of asking an exempted question for a prescribed purpose within the meaning of section 113B of the Police Act 1997.

An 'exempted question' means that you have the right to see spent conviction information which is not protected.

A 'prescribed purpose' means that the role is listed in Police Act regulations, which give entitlement to submit an enhanced level DBS check. Some prescribed purposes can also have children and adult suitability information included.

This means that apart from spent and unspent conviction information that is not protected, enhanced certificates may also contain relevant non-conviction information which ought to be disclosed and in some cases a child or adult barred list status.

By making that declaration, you are saying that you have the right to be given that information to make a suitability assessment. You are also saying that the information is at the level you are legally entitled to request, in relation to the role that you are recruiting for.

If you access certificate information, you must comply with the DBS code of practice and must have a policy on the recruitment of ex-offenders. To ensure a certificate is genuine, you can check the security features of a DBS on the DBS website. Before carrying out a status check, you must be able to answer 'yes' to the following questions. If you answer 'no' then you cannot carry out a status check:

- Have you seen the applicant's original certificate?
- Have you checked the applicant's ID to confirm their identity?
- Do you have the applicant's consent?
- Are you legally entitled to the same level of DBS certificate - standard or enhanced?
- Does the DBS certificate only contain the exact workforce that you are entitled to know about, for the role you are recruiting for?

The workforce information will be listed in the 'position applied for' section and will show which workforce has been used to determine the relevance of any locally held police information which may appear on an enhanced DBS certificate.

Where the workforce is 'other', the police will assess the relevance of locally held information in relation specifically to the position being applied for. The three workforces are child, adult and other.

Certificates may show a single workforce or a combination of child and adult, but no other combination.

If you're legally entitled to a barred list check, check that the DBS certificate only contains the one(s) you need e.g. children's list, adults' list, both. Some enhanced certificates will show that a check of the barred list has not been requested by the original organisation.

More about workforces in the eligibility guidance on DBS website.

If a person leaves your organisation, moves to a position where there is no legal entitlement to the same DBS check, or withdraws their consent, you must stop any further status checks.

If you continue to carry out status checks on their certificate, you are breaking the law by accessing data you are not entitled to see.

You should always have the individual's consent when carrying out a status check. All checks are recorded and can be viewed by the individual on their Update Service account.

Highgrade obtain consent upon sign up during the registration process and will carry out checks for 'child workforce' only. Adult & Child workforce checks will only take place for job offers in 16-19+ settings but only if the role requires. **Highgrade will otherwise undertake a new DBS for 'child workforce' only.**

Highgrade are dedicated to safe recruiting and pride ourselves on our strict selection and vetting process. When registering with Highgrade the candidates will need to have an Enhanced DBS and be on the Update Service.

The Agency worker should be aware that checks can be carried out at the beginning and throughout employment.

The checks will include:

- An assurance that we will apply for a new DBS check, or carry out an Update Service check prior to placement (if the candidate is subscribed to the Update Service)
- We will perform checks on Candidates Update Service status every 6 months.
- The Children's Barred List will be checked prior to any candidates first placement and in line with 6 monthly audits. We have the software to be able to perform these checks and do so under the guidance of Welsh Government Regulations.
- 'Child workforce' only checks will be needed for the majority of our workers, only in the cases of candidates working in 3-19 schools will an Adult and Child workforce check be carried out, if the role requires it. Otherwise we will undertake a DBS check as 'Child Workforce'.
- On registration, candidates fill out a self-declaration form. Any discrepancies between the form and the returned DBS check will be addressed with the candidate.

- Where a DBS check returns with any criminal convictions or cautions we will expect the individual to fill out a self-declaration form and the original check will be sent to the intended placement to confirm whether they are willing to accept the work-seeker. Permission is obtained upon sign up to share this information with relevant clients.
- In the cases where a candidate has lived or worked abroad for more than six months (within the last five years), evidence should be provided of an overseas police check from the country to cover this period;
- If a candidate has exhausted all efforts in trying to obtain an overseas police check, Highgrade will accept official written confirmation from the candidate's overseas employer's that during his/her employment, there were no safeguarding concerns or procedures.
- Information on a DBS will be disclosed to end Hirers
- If a work seeker becomes unsuitable whilst on assignment or after being introduced to a work seeker please see our separate policy 'Unsuitable Workers Policy' no.24. We will remove the candidate, investigate, share information and or make a referral.
- As soon as relevant information is confirmed that a work seeker is unsuitable, Highgrade will inform the 'Disclosure and Barring Service' without delay. Policy no.15
- If the candidate is not on the Update service a new DBS will need to be obtained every year.
- If we have a DBS in process and need to place the candidate, we will carry out Children Barred List along with other checks and seek written agreements from the client before placing the candidate.