



DBS POLICY

Adopted by the Governing Body of Dunkirk Primary School:

Approval:	Head Teacher Jul 23
Review:	Jul 24
To be reviewed by:	Steve Parry & Rachael Jurkiw
Committee responsible:	P&PC

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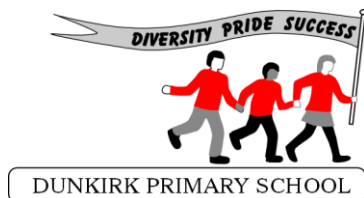
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1 Introduction

- 1.1 This policy applies to all candidates applying for relevant posts, paid and unpaid, casual workers, those on temporary/fixed term contracts and volunteers. It applies equally to part time and full time individuals and those in a position of trust.

DBS Checks

- 1.2 The Disclosure and Barring Service (DBS) is an executive non-departmental public body of the Home Office, which provides access to checks on individuals working with or having contact with vulnerable groups including children.
- 1.3 The DBS replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) on 1 December 2012, and provides a service which merges the functions of both of these bodies.



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- 1.4 There are three levels of disclosure available: 'standard', 'enhanced', and 'enhanced with list' checks (where, in addition to a standard enhanced check, a check is also made of appropriate DBS barred lists, formerly covered by an ISA check). The Council generally only request enhanced checks, or in the case of certain roles, 'enhanced with list' checks.
- 1.5 'Enhanced with list' checks will only be appropriate in cases where a role involves 'regulated activity'. An assessment should be made by the school to determine whether regulated activity will be taking place prior to submitting the DBS application. Schools can seek guidance on this from their HR advisor.

2 Determining which posts require checks

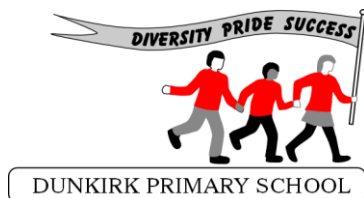
- 2.1 DBS clearance will be required for anyone, paid or unpaid, who through their normal activities has access to vulnerable groups including children, or is in a position of authority making decisions affecting these groups.
- 2.2 In determining whether a role requires DBS clearance, the DBS Eligibility Codes (Appendix 1) should be used. This list represents the professions, offices, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. The Council can apply for a DBS Check if the position is included in this list. The code number listed next to each section refers to the DBS Check Eligibility Code.
- 2.3 Within schools, all posts will be subject to a DBS Check. Exceptions to this are volunteers (providing they will be under regular supervision by a colleague who has been DBS checked), and contractors, if the nature of their work does not bring them into direct and frequent contact with children.

3 Regulated activity

- 3.1 Regulated activity focuses on work which involves close and unsupervised contact with vulnerable people including children. Activities and work which meet the definition of regulated activity will be eligible for enhanced DBS checks plus additional checks against relevant barred lists.
- 3.2 Regulated activity can be paid or unpaid work, but not part of a family or personal arrangement.
- 3.3 Care should be taken to ensure that an activity falls within the definition of regulated activity before requesting a check of relevant barred lists, as it is the responsibility of the employer to ensure that they have a right to request this level of information. Failure to do so may result in a breach of employment law.

3.4 Children

- 3.4.1 To be eligible for an Enhanced DBS check plus barred list check, a position working with children must meet both the definition of the activity and meet the frequency or intensity test.
- 3.4.2 Positions working with adults only need to meet the definition of regulated activity; there is no requirement for them to undertake that regulated activity a particular number of times.
- 3.4.3 The definition of regulated activity relating to children is:



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- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools (educational institutions exclusively or mainly for the provision of full time education to under-18s), pupil referral units, childcare premises (including nurseries), residential homes for children in care, children's detention centres (institutions exclusively or mainly for the detention of children) or children's centres in England.

Work under (i) and (ii) above is regulated only if done regularly. Regularly means once a week or more, or four times over a 30-day period, or overnight.

- (iii) Relevant personal care, for example washing or dressing, or health care by or supervised by a professional
- (iv) Registered childminding; and foster-carers.

3.4.4 There is no entitlement in law to undertake a barred list check on some regulated activity relating to children, if it is supervised in an appropriate way. This means regular, ongoing, day to day supervision by a person who is themselves in regulated activity. The line manager or headteacher must assess whether the level of supervision is reasonable in the circumstances (i.e. with consideration to the age of the children, number of children worked with, whether other workers are helping to look after the children, the nature of the work undertaken, how vulnerable the children are, and how many people the supervisor is supervising.) If the level of supervision meets the above criteria, then the work can be treated as unregulated, and therefore there is no entitlement to the employer to conduct a barred list check.

3.5 Adults

3.5.1 Regulated activity relating to adults no longer labels adults as 'vulnerable', and instead focuses on activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. There is consequently no focus on the setting in which the activity takes place, or the frequency with which it occurs. There are six areas of activity which fall within the definition of regulated activity relating to adults. These are:

- Providing health care
- Providing personal care
- Providing social work
- Assistance with cash, bills and/or shopping
- Assistance in the conduct of a person's own affairs
- Conveying

3.5.2 Although DBS checks in schools will most often apply due to contact with children, it is possible that in some schools, for example Special schools, staff may also come into contact with adults under circumstances that may render that adult vulnerable.

3.5.3 If there is any uncertainty about whether a position is eligible for a DBS Check, colleagues should refer to any guidance provided for the job sector or contact one of the organisations such as NACRO, Unlock or Apex Charitable Trust who provide independent advice on the requirements to obtain criminal records. Colleagues can also contact



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Nottingham City Council's Specialist Safeguarding Resourcing Facilitator for further advice and guidance.

- 3.5.4 The need for a DBS check should be determined when drawing up the duties of the job (i.e. job description stage) and included in the person specification. This should also be communicated in all external adverts for vacancies. In all circumstances, the decision to request a DBS disclosure should be made in accordance with the Rehabilitation of Offenders Act 1974 (see appendix 2).

4 Commencing employment prior to DBS clearance confirmation being received

- 4.1 The candidate or colleague should not commence employment working in a role requiring DBS clearance until a satisfactory disclosure has been obtained. However, in exceptional circumstances and in agreement with the HR advisor, it may be permitted in the following circumstances:

- To avoid causing severe disruption to service provision; or
- To alleviate impact on statutory staffing requirements; or
- Where Care Quality Commission Inspection recommendations are to be met.

- 4.2 In these instances, the Head Teacher can authorise the employee to start work before a Disclosure is received based on an individual basis with the following provisos:

- i) The Head Teacher must ensure that arrangements to manage the colleague's access to children or vulnerable adults are appropriately supervised.
- ii) The Line Manager or Headteacher must conduct a documented full risk assessment in consultation with the colleague. They are responsible for notifying any conditions placed on the employee following the risk assessment process and obtaining the Headteacher's permission to allow the employee to commence employment (if they are not one and the same person).
- iii) Colleagues should not be placed on the school's pay system until evidence that a risk assessment has been carried out and proof of a submission to the DBS (e.g. via the @lantic system where applicable) has been received by the school's payroll provider to process. This should be attached to the new starter notification that is sent to the payroll provider.
- iv) Once the employee has commenced in post, the offer of employment will still be subject to all other pre-employment checks as well as a disclosure check that is satisfactory to the school. If the checks are found to be unsatisfactory, the employee may be dismissed.

- 4.3 Nottingham City Council does not use or recognise Adult First checks as an alternative to Head Teacher authorisation.

5 DBS fees



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5.1 The school will be responsible for the charge¹ relating to DBS checks for all employees and casual staff that they engage. DBS fees for agency workers and contractors are the responsibility of the supplier.

5.2 DBS checks are free for volunteers, however a fee (paid by the school) would be incurred if the volunteer later entered paid employment.

6 Timescales

6.1 The DBS state that it takes, on average, 2 weeks to process enhanced DBS checks where an accurately completed DBS entry onto @lantic has been made.

6.2 The Headteacher is responsible for ensuring that all new applications are processed correctly within 5 working days of receipt of the application.

6.3 Timescales quoted are not guaranteed and checks can often take much longer particularly if, for example, the colleague/candidate has resided at several addresses, if the DBS have more checks than normal to process, or if the @lantic system is not used.

7 Agency workers

7.1 Headteachers are responsible for ensuring that agency workers have been checked for DBS clearance at the appropriate level by the agency prior to commencing work. They should confirm with suppliers/agencies that the DBS check was carried out in the previous 12 months (provided there has been no break in employment).

7.2 Headteachers should ensure that where there has been a break of three consecutive months or more in the agency worker's employment during the previous 12 months, a fresh DBS check is undertaken by the agency before the agency worker is engaged.

7.3 It is recommended that agencies or contractors include a clause in their contract with their workers that they have a duty to inform the agency and the school if they are subject to any criminal charges or are being investigated. The agency or contractor must be made aware that they are to inform the school immediately of any relevant safeguarding information.

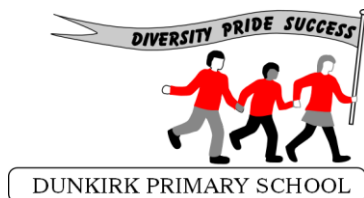
8 Casual workers and volunteers

8.1 The school will process and pay for a DBS disclosure for casual workers. Checks for volunteers are free; however, where volunteers are fully supervised at all times, no DBS check is required. This could include parent helpers and governors, but would depend on an appropriate assessment being made about the level of supervision in place.

8.2 Headteachers are responsible for ensuring they process DBS applications for casual workers and volunteers prior to commencing work.

9 Work experience placements and working with colleagues under 18

¹ Currently £44 for an enhanced check (correct as of April 2013)



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9.1 Schools may take young people on work experience placements. Schools must ensure that staff responsible for the supervision of work experience students have had DBS clearance within the previous 3 years.

10 Employing people with a criminal record

10.1 A criminal record, in itself, will not necessarily prevent a person from being appointed; however, it will be judged according to the needs of the role. When the school is made aware of a DBS disclosure containing information on convictions, cautions or other such information², the Headteacher, with advice from HR, should contact or meet with the applicant/colleague to discuss their disclosure. The applicant/colleague can, if they would prefer, request to have that discussion with a more senior manager; however it may be necessary for the contents of the discussion to be shared with the immediate manager for safeguarding and other important service delivery reasons. This discussion is necessary in order to obtain the full facts of the circumstances and to check the accuracy of the information received. All applicants and colleagues will be notified in writing as soon as possible if they are refused employment due to an unsatisfactory disclosure.

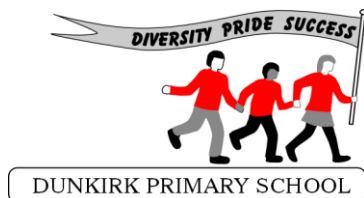
10.2 The applicant/employee is responsible for informing the manager if their DBS disclosure contains information on convictions, cautions or other such information as the employer will not receive a copy.

10.3 When considering the suitability of an individual, the following should be assessed:

- Whether the type of conviction on record affects the individual's ability to do that job;
- Nature of the crime, when it happened and the circumstances involved;
- The nature/length of the sentence;
- Patterns of offending / efforts to avoid re-offending;
- Seriousness of the offence and relevance to the safety of children, vulnerable adults, other colleagues, customers, service users and property;
- Length of time since the offence occurred i.e. how successful has rehabilitation been;
- Information offered by the applicant about the circumstances of the offence e.g. domestic or financial difficulties;
- Was the criminal record declared? – honesty and integrity of applicant/colleague
- Are they remorseful about the conviction and acknowledge the implications of their actions

10.4 Applicants may appeal to the DBS if they feel their DBS check is inaccurate and should raise any complaints relating to the recruitment process with the school, who should seek HR advice.

² Please note that the school will not automatically receive the certificate.



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- 10.5 A barred individual must not undertake or seek to undertake any activity with the group they are barred from; they will be committing a criminal offence if they seek to do so.

11 Informing the school of changes to circumstances

- 11.1 Once checked, applicants and colleagues must report relevant changes in circumstances to their line manager or Headteacher. There is no need to declare any conviction or caution that would be omitted from a DBS certificate (Standard or Enhanced) in compliance with the DBS 'filtering' guidance; the latest version of which should be accessed via the ([https://www.gov.uk/government/publications/](https://www.gov.uk/government/publications/dbs-filtering-guidance) dbs-filtering-guidance). Changes in circumstances relating to all other convictions, cautions and changes/likely changes to their barring status must be declared as soon as practically possible to allow the school to assess the potential risks to their employment. If there are any doubts around which changes in circumstances to report these should be raised with the line manager or Headteacher as soon as possible.
- 11.2 Failure to disclose information will be taken seriously and the Disciplinary Procedure may be invoked against individuals who fail to inform the school of such information (examples include but are not limited to: convictions, cautions, investigations, change to barring status, warnings and criminal fines).

12 Dealing with colleagues facing criminal charges, changes to circumstances or a change to barring status

Dealing with colleagues facing criminal charges or under criminal investigation

- 12.1 When dealing with colleagues facing or convicted of criminal charges, the first and most important issue to consider is the effect, if any, of the conviction on the colleague carrying out any part of his or her duties. For example, if the offence was committed outside of work and there is no bearing on the individual's employment then there is no further action necessary.
- 12.2 If the conviction has no bearing on their role but the colleague is unavailable for work because they are in custody, the school will need to decide if and for how long the employee's job can be held open. This should be decided by looking at the impact on the service and with the employee's consent, any information provided from the Police about the duration of the remand.
- 12.3 Where the conviction affects the school's trust and confidence in the employee, disciplinary proceedings should be instigated and the matter fully investigated. Where the conviction renders the individual fully unable to continue with their employment, but disciplinary action is inappropriate, the school may also consider adjustments to the role, seeking alternative employment or dismissing the employee for 'some other substantial reason' by following a fair dismissal process. Employees are not entitled to access Project People.
- 12.4 The manager should keep in contact with the individual or their representative through the investigation. If the employee chooses not to provide information to the school, the latter is entitled to consider whether the evidence available is strong enough to justify dismissal.



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12.5 Instigating disciplinary proceedings may become necessary in the following examples where the individual:

- purposely withholds convictions or gives misleading information about a conviction (Council finding out about the employee's conviction from another source such as the Police or DBS and not from the individual themselves). This may include convictions revoking mandatory professional membership rendering the employee unable to continue in their role but the employee fails to inform the Council of the situation.
- delays informing their line manager/Headteacher of convictions which increases or introduces an element of risk in carrying out their role (e.g. office manager not informing the Headteacher at the first possible opportunity that they are being investigated or charged with money laundering whilst continuing to manage the school's finances)
- is charged with a conviction whilst using school property inappropriately or illegally (e.g. drink driving whilst driving school transport)
- brings or may bring the school into disrepute

(This is not a complete list – refer to disciplinary procedure and code of conduct for more information)

Changes to barring status

12.6 When new information becomes known about an individual, the DBS will reconsider the suitability of the person and consider putting the individual on one of the 'Barred Lists'. The DBS will not inform the employer of this change; however they will inform the individual of the change to their barring status. The school will only become aware of the change to barring status if they request a fresh DBS disclosure, contact the DBS or if the colleague declares this information.

12.7 Where information is received either from the DBS, the individual or any other body, that the barring status of an employee, worker or volunteer is due to change or has changed to 'barred' status, the Headteacher should meet in private or make contact with the person to:

- Explain the situation to the individual and inform them what will happen next. They may print off a copy of this Policy or information from the DBS website to give to the person to take away to read.
- The Headteacher must immediately remove any security access, keys, fobs or computer log-in details and change passwords to prevent the individual from accessing information or coming into contact with the barred group
- If at work and in regulated activity, the Headteacher must immediately prevent the person from continuing to work with the group they are barred from by sending the colleague home on suspension. During suspension an allowance will be paid which is equivalent to the colleague's normal pay in accordance with the Council's Pay Policy.

12.8 After following the above steps, the Governing Body, with HR advice, may suspend the colleague whilst disciplinary proceedings are instigated. The Governing Body may



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combine the suspension with sending the colleague home as one and the same step. Schools should not use the Council's disciplinary procedure on volunteers, agency workers or casual works and should instead consider discontinuing any placements working with the particular vulnerable group the individual is barred from.

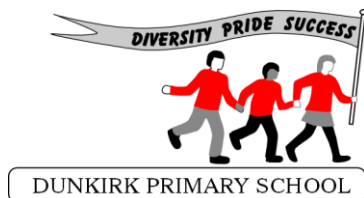
- 12.9 Where a colleague challenges the accuracy of DBS information, they may, in some cases, make representations to the DBS. In such circumstances, the Investigating Officer should make contact with the relevant organisation to find out how long it is likely to take to resolve the matter. The disciplinary hearing should be suspended whilst the outcome of the dispute is confirmed. This provision only applies to situations where the colleague is disputing the accuracy of information (i.e. it is the wrong 'John Smith'), and not where they are putting forward mitigating circumstances.
- 12.10 The school reserves the right to contact the DBS at any time to request information about an individual working at the school where there are legitimate safeguarding concerns. The Headteacher should seek the individual's permission to obtain this information and apply for a fresh DBS disclosure.

13 Overseas applicants

- 13.1 The DBS access criminal records (convictions, cautions, reprimands and warnings) held on the Police National Computer (PNC) in England, Wales and those recorded in Scotland. There is also some Northern Ireland conviction data held on the PNC. In cases where the applicant or colleague has lived or worked for more than two years (cumulative or continuous) from the age of 16 in a foreign country, the Headteacher, with advice from the school's HR advisor, must ensure that the applicant or colleague has contacted the relevant embassy to obtain a Certificate of Good Conduct where possible. The @lantic system (where used) will prompt the Headteacher to take this action.
- 13.2 In cases where it is not possible to obtain information on an overseas candidate, the Headteacher, in discussion with the school's HR advisor, will need to make an informed decision as to the candidate's suitability based on the information that is available. This includes ensuring all pre-employment checks including gaps in employment, are satisfactory by the school before commencing employment.
- 13.3 It is important to note that overseas checking can cause significant delays in the recruitment process and the standard timescales do not apply.

14 DBS re-checking period

- 14.1 Re-checking of DBS checks for colleagues employed to undertake a regulated activity should take place every 3 years or sooner if the service area's risk assessment or regulatory requirements highlight a need for more frequent checks.
- 14.2 If a colleague has subscribed to the DBS Update Service, the City Council will consider any information available via this channel. However, the manager, in discussion with the HR Resourcing and Reward Team, reserves the right to request a new check if it is felt appropriate to do so.



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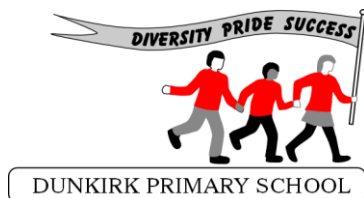
- 14.3 Once in post, colleagues who refuse to undertake a DBS disclosure where it is required will be subject to the Disciplinary Procedure. Alternative employment will only be considered in exceptional circumstances, for example, where the outcome of a restructure requires the individual being DBS checked and failing DBS clearance where one wasn't required previously.

15 Portability

- 15.1 Portability of checks relates to accepting DBS checks carried out by another organisation, including another school. If the new colleague has subscribed to the DBS Update Service, the employing school will consider any information available via this channel. However, the Headteacher, in discussion with the school's HR advisor, reserves the right to request a new check if it is felt appropriate to do so.
- 15.2 If the new colleague does not subscribe to the DBS Update Service or is applying for a post working with a different vulnerable group (e.g. from adults to children) then Nottingham City Council will not accept external portability of DBS disclosures and all new colleagues must undertake a fresh check before commencing in post, however recent their DBS check is with another organisation.
- 15.3 Colleagues who have left the Council and are applying to re-join after three months must complete a new DBS disclosure application, unless they subscribe to the DBS Update Service and are returning to the same workforce. Colleagues returning within three months will not need to be re-checked.
- 15.4 Employees transferring to another similar role within a different Nottingham school will not require a new DBS check if the level of check remains the same and where their previous check has taken place within the last three years without a break in employment. Headteachers should check that previous DBS disclosures have checked the employee against the appropriate barred list if the employee is now working with a different vulnerable group e.g. if the individual was previously checked against the Children list only but is now working with vulnerable adults, they will require a new disclosure.

16 Storage, retention & disposal

- 16.1 As an organisation obtaining information from the DBS, a school will be required to fully comply with the DBS Code of Practice regarding the correct handling, usage, storage, retention and disposal of information.
- 16.2 Any disclosure information must be kept securely, in a lockable storage container with access strictly controlled and limited to those who are required to access it as part of their duties.
- 16.3 Once a recruitment (or other relevant) decision has been made, the school must not keep any information relating to a DBS check for any longer than is absolutely necessary to allow for the consideration and resolution of any disputes, complaints or disciplinary proceedings. This will be:
- six months from the date of issue; or,



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- until the next statutory inspection for applicants working in Registered Services

- 16.4 The school will keep a brief summary of the factual information of the DBS Disclosure such as the date of issue, the name of the subject, the unique reference number etc on its electronic system and on the colleague's personnel file indefinitely.
- 16.5 Control measures outlined in risk assessments undertaken for DBS checks containing convictions will be placed in the colleague's personnel file and/or other management files.
- 16.6 Once the retention period has elapsed, all DBS Disclosure information will be destroyed immediately by secure means, i.e. by shredding, pulping or burning.

17 Sharing of data including the duty to refer information

- 17.1 Schools must not share DBS disclosure checks with unauthorised internal or external parties. Information will only be passed to those who are required to receive it for the purposes of making a recruitment decision or for a valid reason relating to the individual's employment. Information received directly from the Police as part of the enhanced disclosure will not be disclosed to the applicant or colleague. Applicants and colleagues are welcome to approach the DBS for further help and guidance.
- 17.2 There is a duty on the school to refer individuals to the DBS for consideration for barring in relevant circumstances and to provide information to the DBS upon request. The duty to refer applies where:
- i) the school removes an individual from working with vulnerable groups, or
 - ii) the individual has left while under investigation, or
 - iii) the school is concerned about the individual's conduct which it believes the DBS should be aware of, or
 - iv) the school believes the individual has caused harm or poses a future risk of harm to vulnerable groups including children.
- 17.3 The school will not make referrals on the basis of allegations that are unfounded or malicious.

18 Further Information

Further information is available from the school's HR advisor, or from the following external sources:

- www.gov.uk/disclosure-barring-service-check
- Useful telephone numbers are: DBS Helpline: 0870 9090811 (Minicom: 0870 909 0344), DBS Referrals Helpline: 01325 953795.



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Appendix 1

DBS Check Eligibility

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act.

Your legal responsibility

Before an organisation considers asking a person to make an application for a Disclosure and Barring Service (DBS) check, they are legally responsible for ensuring that they are entitled to ask that person to reveal their conviction history.

The information below includes the latest amendments introduced as a result of the Protection of Freedoms Act 2012 and describes occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. This is not an exhaustive list as some roles included in the list of exceptions obtain conviction information via other means.

The Ministry of Justice has stated that organisations should not insist that a DBS check forms part of a recruitment exercise or bid when tendering for contracts, unless the services provided meet the criteria for an eligible DBS check as defined by the exceptions, as this would breach employment law.

Standard checks – To be eligible for a standard level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced checks – To be eligible for an enhanced level DBS check, the position must be included in both the ROA Exceptions Order and in Police Act Regulations.

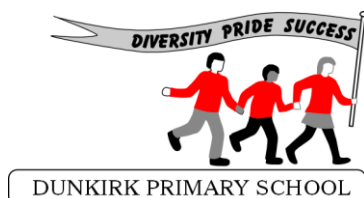
Enhanced checks with children's and/or adults' barred list check(s) – To be eligible to request a check of the children's or adults' barred lists, the position must meet the new definition of regulated activity. There are a small number of other positions for which you can also request list checks.

Using the reference numbers

The reference numbers in the tables below are used by DBS as a reference point only for dealing with enquiries about DBS check eligibility. If you are contacted to confirm eligibility for a position you must provide full details of the job role and explain how the relevant legislation supports the application for a DBS check. It is not sufficient to provide a reference number without supporting evidence.

Please note, as a result of the changes introduced in September 2012, by the Protection of Freedoms Act 2012, the reference numbers have changed significantly.

If you are unsure about whether a position is eligible for a DBS check you should refer to any guidance provided for the job sector, consider obtaining legal advice on the requirements to obtain criminal records checks.

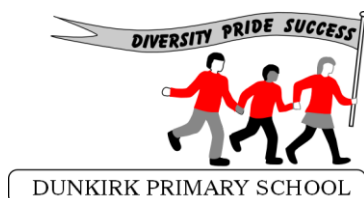


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You can also contact the DBS for further advice via email at customerservices@db.s.gsi.gov.uk; please include the job specification and the roles and duties of the position.

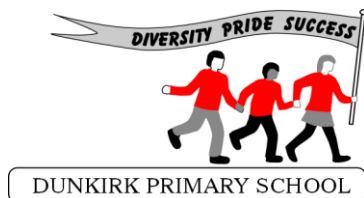
Positions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Any work which is currently defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006.	01(a)
Any work which was defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006 before the coming into force of section 64 of the Protection of Freedoms Act 2012 on 10th September 2012.	01(b)
Any work which is currently defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006.	02(a)
Any work which was defined as regulated activity relating to vulnerable adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act before the coming into force of sections 65 and 66 of the Protection of Freedoms Act 2012 on 10th September 2012.	02(b)
Any office or employment which is concerned with: a) the provision of care services to vulnerable adults. b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services.	03
Any work in a regulated position within the meaning of Part 2 of the Criminal Justice & Court Services Act 2000. This does not include those working with 16/17 year olds on work experience.	04
Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children.	05
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.	06
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 65 of the Protection of Freedoms Act 2012.	07

Professions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Healthcare Professional – A person who is regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002.	08
Barrister (in England and Wales), solicitor.	09
Chartered accountant, certified accountant.	10
Veterinary surgeon	11
Actuary	12
Registered foreign lawyer	13
Legal executive	14
Receiver appointed by the Court of Protection	15



DBS POLICY

Offices, employments and works eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Judicial appointment	16
The Director of Public Prosecutions and any office or employment in the Crown Prosecution Service.	17
Designated officers for: <ul style="list-style-type: none"> • magistrates' courts • justices of the peace • local justice areas • justices' clerks • assistants to justices' clerks 	18
Clerks (including deputy and assistant clerks) and officers of the High Court of Justiciary, the Court of Session and the district court, Sheriff's clerks (including sheriff's clerks' deputy) and their clerks and assistants.	19
Police constables or persons appointed as police cadets and persons employed for the purposes of assisting constables of a Police Force established under any enactment; naval, military and air force police.	20
Any employment within the precincts of: <ul style="list-style-type: none"> • a prison • a remand centre • a removal centre • a short term holding facility • a detention centre • a Borstal institution • a young offenders institution • members of boards of visitors (England & Wales) 	21
Traffic wardens	23
Probation officers	24
Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties.	25
Financial Services position – This means all positions for which the Financial Services Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000.	26
Those working within an Authorised Payment Institution as: <ul style="list-style-type: none"> • Directors and managers • Holders of qualifying holdings • Controllers of the Authorised Payment Institution 	27
Any occupation which is: <ul style="list-style-type: none"> • concerned with the management of a place in respect of which the approval of the Secretary of State is required by section 1 of the Abortion Act 1967; or, • carrying on a nursing home in England and Wales in respect of which registration is required by Section 187 of the Public Health Act 1936 or Section 14 of the Mental Health Act. 	28



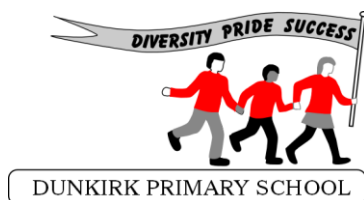
DBS POLICY

Any employment in the Royal Society for the Prevention of Cruelty to Animals (the RSPCA) where the person employed or working, as part of his duties, may carry out humane killing of animals.	29
Any office or employment in the Serious Fraud Office.	30
Any office or employment in the Serious Organised Crime Agency (SOCA).	31
<ul style="list-style-type: none"> • The Commissioners for Her Majesty's Revenue and Customs and any office or employment in their services • The Director and any office or employment in the Revenue and Customs Prosecutions Office 	32
Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet.	33
An individual designated under section 2 of the Traffic Management Act 2004.	34



DBS POLICY

<p>Court Positions:</p> <ul style="list-style-type: none"> • Judges' clerks, secretaries and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981(c) • Court officers and court contractors who, in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges' lodgings • Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary • Court officers and court contractors who, in the course of their work, attend either the Royal Courts of Justice or the Central Criminal Court • Court security officers and tribunal security officers • Court contractors who, in the course of their work, have unsupervised access to court-houses, offices and other accommodation used in relation to the courts • Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals. <p>The following persons:</p> <ol style="list-style-type: none"> a) Court officers who execute county court warrants b) High Court enforcement officers c) Sheriffs and under-sheriffs d) Tipstaffs e) Any other persons who execute High Court writs or warrants who act under the authority of a person listed at (a) to (d) f) Persons who execute writs of sequestration g) Civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980 h) Persons who are authorised to execute warrants under section 125B (1) of the Magistrates' Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125 (2) of the 1980 Act i) Persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d) <ul style="list-style-type: none"> • the Official Solicitor and his deputy • Persons appointed to the office of Public Trustee or deputy Public Trustee, and officers of the Public Trustee • Court officers and court contractors who exercise functions in connection with the administration and management of funds in court, including the deposit, payment, delivery and transfer in, into and out of any court of funds in court, and regulating the evidence of such deposit, payment, delivery or transfer, and court officers and court contractors who receive payment in pursuance of a conviction or order of a magistrates' court 	35
<p>People working in the Department for Education or the Office for Standards in Education, Children's Services and Skills (Ofsted) with access to sensitive or personal information about children.</p>	36

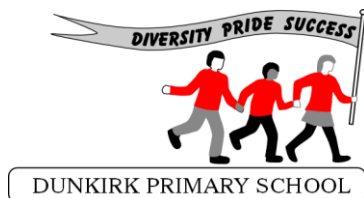


DBS POLICY

A regulated immigration adviser who provides immigration advice or immigration services under Section 82(1) of the Immigration & Asylum Act 1999(a). This also applies to persons who can act on behalf of and under the supervision of such a registered person.	37
Staff working within the Office of the Public Guardian with access to data relating to children and vulnerable adults	38
The Commissioners for the Gambling Commission and any office or employment in their service.	39

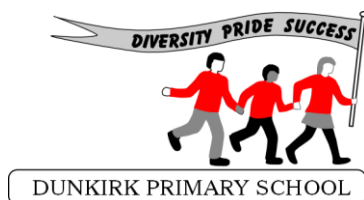
Other activities eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
A person living at the premises where a childminding or day care service is provided or who regularly works on the premises at a time when the childminding takes place	40
A person living in the same household as a person whose suitability is being assessed for a position working with children and who lives on the same premises where their work with children would normally take place	41
Any employment or other work where the normal duties a) involve caring for, training, supervising, or being solely in charge of persons aged under 18 serving in the naval, military or air forces of the crown; or b) include supervising or managing a person employed or working in a capacity referred to in paragraph (a).	42
For adoption purposes	43
For foster caring purposes	44
Individuals seeking authorisation from the Secretary Of State for the Home Department to become authorised search officers.	45
For the award of public works contracts, public supply contracts and public service contracts in accordance with Directive 2004/17/EC and 2004/18/EC of the European Parliament and of the Council of March 2004(a).	46
Football Stewards, supervisors or managers of football stewards.	47
Approved Legal Services Body Manager	48
Those working for Alternative Business Structures as: <ul style="list-style-type: none"> • Head of Finance and Administration of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Head of Legal Practice of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Owners of a licensed body approved under schedule 13 of the Legal Services Act 2007 	49
The Commissioner for Older People in Wales, his deputy and any people appointed by the Commissioner, to assist him in the discharge of his functions or authorised to discharge his functions on his behalf.	50
Any employment or other work which is normally carried out in premises approved under section 9 of the Criminal Justice and Court Services Act 2000.	51
Any person who has applied to be granted membership of the Master Locksmiths Association.	52
For National Lottery licensing purposes	53

Licences eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
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DBS POLICY

For the purpose of licensing hackney carriages or private hire vehicle drivers (Taxi driver licences).	54
For licences issued under Section 25 of the Children & Young Persons Act 1933 (This relates to persons under the age of 18 travelling abroad for the purpose of performing or being exhibited for profit).	55
For the purpose of licensing under Section 8 of the Private Security Industry Act 2001	56
Any person or body required to obtain or retain a licence under regulation 5 of the Misuse of Drugs Regulations 2001 (a) or under article 3(2) of Regulation 2004/273/EC (b) or under article 6(1) of Regulations 2005/111/EC(c).	57
Police and Crime Commissioners	58



Appendix 2

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become “spent”, or ignored after a “rehabilitation period”. After this period, with certain exceptions, a person is not normally obliged to mention it when applying for a job.

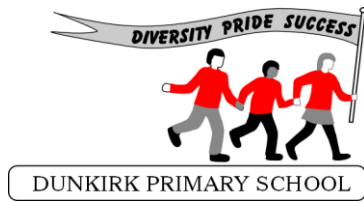
The length of a rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the rehabilitation period is decided by the original sentence, not the time served. Custodial sentences of more than two and a half years can never become spent.

Various kinds of employment, occupations and professions are exempted from the Act. The Exceptions Order overrules the employment rights an ex-offender would otherwise have in respect of spent convictions. This means that ex-offenders have to disclose information about spent, as well as unspent convictions when applying for a job that is exempted. Exempted occupations include work that brings the person into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under 18.

Sentence	Rehabilitation period for people aged under 18 when convicted	Rehabilitation period for people aged 18 or over when convicted
Prison sentences of 6 months or less (1)	3.5 years	7 years
Prison sentences of more than 6 months to 2.5 years	5 years	10 years
Borstal (abolished in 1988)	7 years	7 years
Detention centres (abolished in 1988)	3 years	3 years
Fines (2), compensation, probation (3), community service (4), combination (5), action plan, curfew, drug treatment and testing and reparation orders	2.5 years	5 years
Absolute discharge	6 months	6 months

Notes:

1. Including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution (abolished for those under 18 in 2000 and for those aged 18-20 in 2001).
2. Even if subsequently imprisoned for fine default.
3. For people convicted on or after 3 February 1995. These orders are now called community rehabilitation orders.
4. These orders are now called community punishment orders.
5. These orders are now called community punishment and rehabilitation orders.



DBS POLICY