

Policy title	DBS Procedure
Issue date (m/y)	10/2013
Author	Amy Deignan, Care Coordinator
Approved by	Donna Welburn, Operations Manager
Last review	08/2016
Review date (m/y)	08/2017

DBS Procedure

A person is not classed as a vulnerable adult unless they are receiving the support that is listed as a regulated activity in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012. The focus is now very much on the nature of the activity or situation, rather than on the person receiving support.

The support roles that currently fall into this category include:

- Personal Assistants – providing personal care support
- Study Skills Tutors working with under 18s
- Mentors - working with under 18s
- Academic Support Workers - working with under 18s
- Learning Support Assistants - working with under 18s
- Assessors - working with under 18s

All staff providing support at De Montfort University also need to have a current DBS check, this is due to policy at De Montfort University.

The following is guidance from the Disclosure and Barring Service when enquiring about DBS checking Academic Support Worker, Mentors and Study Skills tutors:

The ability for an employer, voluntary organisation, or licensing organisation to ask an individual to apply for a Disclosure and Barring Service (DBS) check, at either Standard or Enhanced level, is set out in legislation. Eligibility is based upon the nature of the duties for the specific position. To be eligible for a DBS check a position must be:

- Listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 – this entitles the position to a Standard level check; and if
- Prescribed in The Police Act 1997 (Criminal Records) Regulations entitles the position to an Enhanced level check.

Eligibility for a DBS check can also exist if the role involves regularly caring for, training, supervising or being solely in charge of persons under 18 and or vulnerable adults (within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006). Furthermore, eligibility can exist if the role falls within Regulated Activity.

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Here is the link to general eligibility guidance <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

Further detailed information on Regulated Activity can be viewed by following link to the Home Office website <https://www.gov.uk/government/publications/dbs-regulated-activity>

As The Learning Support Centre staff team may come in contact with under 18's due to the fluidity of their role and through company activities all staff will be subject to a DBS check from July 2015 onwards.

Implementation

- Existing staff with CRB checks will be transferred to the DBS system when their CRB has expired (3 years after the CRB was carried out) and asked to sign up to the update service .
- Existing staff will be put onto the DBS system who do not currently carry out a regulated activity but are likely to come into contact with under 18's as a result of emerging services for FE clients and for example Ed's Clubs, during July – August 2015.
- All new employees requiring a DBS check will be asked to submit the relevant paperwork and all checks will be made prior to starting that role.

Handling of DBS certificate information

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, The Learning Support Centre 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 Data Protection Act 1998 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 to those who wish to see it on request.

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. The information retained consists of the date issued, the DBS number and the result of the check.

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.

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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.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. 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, and the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Completing the application Form

- Member of staff completes DBS application form sections **a** to **e**.
- Any continuation e.g. addresses must be completed on a continuation sheet that can be printed from www.homeoffice.gov.uk/dbs. They will not accept anything written on blank paper.

Checking Identification

- We are responsible for checking and verifying all identification. The Support Coordinators are the responsible persons.
- Use the Identification check list to ensure the member of staff has the correct forms of ID.
- Once you have checked the member of staff's ID take a copy.
- Fill in section W and X
 1. Name of evidence checker has to be a coordinator or manager.
 2. Ensure you have established the true identity of applicant and completed the verification check boxes within the form.

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3. **Position applied for** – on the top line you either need to state; **Child Workforce, Adult Workforce, Child and Adult Workforce OR Other Workforce** depending on the job they will be doing. On the second line fill in their job title.

- Leave section Y
- Manager to complete the Request for DBS check form
- Once this is all completed post the application form which includes the list of the ID checked.
- Payment from the employee can be made by cash or cheques to the office team.

N.B. Adult first check is a quick check that tells you if a person has been barred from working with adults but no other information is provided.

Post the DBS forms, Request form to. Leicestershire Cares, 42 Tower Street, Leicester, LE1 6WT

- Leicestershire Cares will check the forms and phone or email with any queries. The DBS certificate is posted directly to the staff member; they do not send a copy to us. The staff member needs to bring their DBS certificate in when they receive it.
- Further blank applications should be requested from Leicestershire Cares.
- All DBS documents that you may need are save on the network
L:\HUMAN RESOURCES\Employment\DBS Checks

The cost of the DBS check must be met by the employee, who are able to keep the DBS check during their time after the company due to the update service. The total cost of the check is £53.

Appendix

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Pg. 5. Appendices 1: De Montfort University **DBS Code of Practice for support agencies working with DMU Students 12th June 2015**

DBS Code of Practice for support agencies working with DMU Students 12th June 2015

The code will require the following to happen:

- All external agencies providing support to DMU students will share their policy on DBS checks with the Head of Student Welfare by 8th **June 2015** at the latest. The Head of Student Welfare will in consultation with appropriate colleagues within DMU take a view on whether the policy is fit for purpose, and compatible with the approach taken with DMU staff, and will request that all agencies make any required changes within 2 weeks of being notified of the requirements.
- All external agencies will provide the Head of Student Welfare with a list of all of their staff and confirm that DBS checks have been undertaken, notifying DMU of any exceptions to this and provide an explanation of why any staff have not been DBS checked provide by **8th June 2015**
- Agencies will sign to agree that no member of agency staff (excluding admin and other staff who do not fall within the scope of the DBS system) will work with students who may be classed as children or vulnerable adults without appropriate DBS checks and risk assessments being carried out, particularly where convictions or cautions come to light.
- Agencies will agree to provide an updated list as new staff are employed, and will provide an updated list on all staff no later than 23rd September each year.
- Should any agency provide support to students funded **directly** by the university they will provide sight of the DBS check to the Head of Student Welfare or nominee prior to any support being given to the student.
- Where courses are OFSTED inspected or conditions are imposed on the university by other regulatory bodies – the DBS check will need to be shown to the Head of Student Welfare or nominee.

Signed declaration:

On Behalf of _____

Where I hold the position of: _____

I agree to the terms of the code and undertake that my agency will adhere to the letter and the spirit of the principles at all times. I also confirm that I have the authority to make this undertaking.

Signed: _____