

HR Policy - Disclosure and Barring Service (DBS) Procedure

Last reviewed date: August 2019

Policy Statement

We believe that everyone at PDSA should feel and be secure and safe, this includes employees, volunteers, clients, agency staff, donors, supporters, our Trustees and any individuals who come into contact with the charity – it's our commitment to our people.

That's why we're firmly committed to safeguarding and protecting the welfare of everyone – including children, young people and adults at risk.

We commit to providing a safe and secure environment for our people by properly assessing the suitability of people who work and volunteer for us. We must also ensure we are fair to applicants. As such PDSA is fully committed to using the Disclosure and Barring Service (DBS) to help assess for the suitability of applicants for relevant roles.

A DBS check will only be required if it is deemed proportionate and relevant to the role in PDSA.

DBS Policy - Objectives

The objectives of this policy and the supporting procedure are to:-

- Outline PDSA's commitment to the safeguarding of all parties whom it may come into contact with;
- Outline PDSA's commitment to ensuring particular rigour and vigilance is applied when recruiting people to specific roles in the organisation, especially those which require contact with children and/or adults at risk;
- Provide guidance on when a role may require a Disclosure and Barring Service (DBS) check;
- Outline the process of how DBS checks will be coordinated and managed;
- Set out the responsibilities of all parties involved in the DBS process; and
- Outline PDSA's commitment to ensuring compliance with all relevant legislation when handling DBS checks.

The procedure applies to both internal and external applicants being considered for permanent, temporary or zero hours employment, lead volunteers and volunteer drivers. It will also apply to existing employees and existing volunteers transferring into a role which require a DBS check.

1.0 The Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) assists PDSA in making safer recruitment decisions by preventing unsuitable people from working with vulnerable groups, including children and adults at risk, through its criminal record checking and barring functions.

The DBS allows PDSA to access the criminal record of people working, or seeking to work, in certain roles, especially those that involve working with children or adults at risk.

The Rehabilitation of Offenders Act 1974 (ROA) was introduced to ensure that ex-offenders who have not re-offended for a specified period of time since the date of their conviction are not discriminated against when applying for a role. However, some roles within PDSA are exempt from the ROA in order to protect certain vulnerable groups. All applicants who are offered employment in such roles will be subject to a DBS check before the appointment is confirmed.

1.1 Different levels of DBS disclosures (checks)

Basic disclosures (checks)

Basic checks can be carried out for roles that are covered by the ROA, which includes most roles. Basic checks only contain details of unspent cautions or convictions.

Standard disclosures (checks)

Standard checks contain details of all cautions, convictions, reprimands and final warnings which are not protected. Standard disclosures are available for roles listed in the ROA Exceptions Order.

Enhanced disclosures (checks)

Enhanced checks contain details of all cautions, convictions, reprimands and final warnings which are not protected, and may also include other relevant information. Relevant information may be disclosed at the discretion of the chief police officer of the force that holds the information, if they reasonably believe it to be relevant to the role. Enhanced disclosures are only available for certain jobs listed in both the ROA Exceptions Order and also the Police Act 1997 (Criminal Records) regulations.

Enhanced disclosures with children's and/or adults barred list (checks)

Enhanced checks with barred list checks include the same criminal record information as enhanced checks, but also detail whether the person is barred from working with either children or vulnerable groups or both. To be eligible to request a check of the children's or adults' barred list, the role must be eligible for an enhanced disclosure and also specifically listed in the Police Act 1997 (Criminal Records) regulations as eligible to check against the appropriate barred list.

2.0 Identifying roles that require a check

PDSA will establish what, if any, level of disclosure is legally required for a role before it is advertised and ensure where relevant details are included in the job advert and job description. Most roles are covered by the Rehabilitation of Offenders Act (ROA) 1974 and therefore the applicant is only legally required to declare, and PDSA is only

entitled to know about, unspent cautions or convictions.

All current employee and volunteers roles at PDSA have been reviewed against the DBS eligibility guidance to identify whether they require a DBS check and if so what level of check is required.

PDSA is responsible for ensuring they are entitled to receive a standard or enhanced disclosure certificate before submitting applications to the DBS. PDSA will satisfy themselves that the positions are eligible for disclosures checks under current legal provisions.

3.0 Responsibilities

3.1 Candidate/Employee/Volunteer Responsibilities

Individuals have a responsibility to complete their DBS check as soon as practical upon instruction from their manager.

It is the individual's responsibility to ensure they correctly complete the DBS check in order to comply with any condition of employment attached to that role in relation to DBS checks.

An individual's start date with PDSA may be delayed or their offer of employment/volunteering withdrawn if they have not applied for their DBS check prior to their scheduled start date.

Individual's have a responsibility to attend meetings to discuss any DBS related matters when required to do so.

3.2 HR Responsibilities

HR Shared Services will monitor and review the overall DBS process by;

- Sending a link to the individual with instructions to complete their DBS check
- Tracking DBS checks applied for and returned, including alerting the line manager to any concerns disclosed within a check.
- Uploading the outcome & completion date of the DBS check on to the HR system
- Uploading risk assessment documentation and notes on to the HR system
- Ensuring that all DBS related data and documentation is stored in line with normal HR processes and retention periods
- Ensuring all DBS related information is stored securely in accordance with GDPR.
- Providing advice and guidance to managers in the implementation of the policy and in dealing with any DBS related matters
- Ensuring that the relevant DBS check is detailed and applied throughout the recruitment and selection process.
- Ensuring DBS checks are re-done at intervals appropriate to roles.

3.3. Line Manager Responsibilities

Line Managers are responsible for:

- Ensuring that individuals are not unfairly discriminated against during the recruitment and selection process due to criminal convictions or in relation to DBS disclosures.
- Ensuring that confidentiality is maintained in respect of any disclosures made by the individual throughout the process and thereafter.
- Raising any concerns to HR regarding any convictions that come to light as part of the recruitment process.
- Ensuring that individuals do not commence in their role until their DBS check has been applied for. In some cases, depending on the level of check required for the role, the individual will not be able to start until a satisfactory DBS check has been received.
- Ensuring that internal applicants do not commence in the new role until a satisfactory clearance check has been received if required.
- Ensuring that if an individual reports a criminal conviction or any change in circumstances which may require a DBS check, that this is reported immediately to HR.

In relevant cases, the line manager, supported by the Regional HR Operations Advisor, may need to discuss a DBS check received with the individual either over the telephone or in person.

4.0 Recruitment and Selection

PDSA is committed to the fair treatment of its current or potential employees and volunteers regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

PDSA asks all applicants to disclose details of any unspent criminal convictions on their application form. Disclosing an unspent conviction does not preclude individuals from involvement with PDSA, unless the conviction is for one of 5 excluded categories of offences. PDSA stipulate excluded offences to be violent crime, sexual offences, drug offences, animal cruelty and arson. PDSA will not take an application further if a declaration contains unspent convictions for any of these offences.

In all other cases, where an unspent conviction is declared, an open discussion will take place on the subject of any offences or any other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of any offer of employment.

Unless the nature of the role allows PDSA to ask questions about an entire criminal record, only questions about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 (ROA)

PDSA ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. They will also receive appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. Rehabilitation of Offenders Act 1974 (ROA). Any dis

5.0 The DBS check process

5.1 When and how are DBS checks applied for?

Upon receipt of an offer of employment PDSA will send an email to the individual asking them to apply for the relevant DBS check via a link provided.

The individual must apply for their check prior to their start date. Failure to do so may result in PDSA delaying the start date or even withdrawing the offer of employment.

PDSA will cover the cost of any DBS checks required as a condition of employment.

PDSA will usually require a re-check to be done every 3 years.

5.2 What information is requested?

The information requested will depend on the level of check deemed necessary for the role.

5.3 What is considered satisfactory?

As per a condition of employment, the DBS check must be to the satisfaction of PDSA. The line manager will need to assess the relevance of any criminal convictions to the role and consider the implications. The line manager will ultimately decide if the DBS check is certificatory or not.

In most cases a criminal conviction will not automatically prevent an individual working or volunteering for PDSA. The weight given to a conviction will depend upon the following factors;

- The nature of the offence
- The individual's age at the time the offence was committed
- Its relevance to the role
- Whether there is a pattern of offending behavior
- Whether there has been a change of circumstances since the offending behavior
- The circumstances surrounding the offence and the explanations provided
- The nature of the role
- Any other relevant factors.

The below list is an indication of what may constitute satisfactory (but not exhaustive):

- The information in the DBS matches that given by the individual e.g. disclosed unspent convictions

- The information in the DBS check is unambiguous and clear
- Any discrepancies in information provided can be clarified and corrected by the individual
- The nature of the unspent conviction is not relevant to the role

6.0 Managing DBS checks received

In order to fulfil a condition of employment, ideally PDSA should be in receipt of a satisfactory DBS check (level relevant to the role) prior to the individual commencing in their role.

PDSA recognises there may be occasions where this is not practical and therefore may decide it appropriate to allow additional time in which to receive a satisfactory DBS check. A maximum of up to 4 weeks into employment may be given, depending on the circumstances.

If the role is a regulated role and therefore requires a DBS check above a basic check the individual will not be able to commence that role until a satisfactory DBS check is received. The individual's start date may be delayed or they may be placed in a non-regulated role.

6.1 Satisfactory DBS check received

When a satisfactory DBS check is received it will be logged and stored securely, in line with GDPR. The individual will have successfully met that condition of employment.

6.2 DBS check not applied for

Prior to the start date it is imperative the individual has applied for their DBS check. In cases where the check hasn't been applied for it may delay the start date or even result in PDSA withdrawing their offer of employment.

6.3 Unsatisfactory DBS check received

The line manager will always take steps to obtain clarification in respect of any information provided in a DBS check.

The line manager will invite the individual to a meeting, along with the Regional HR Operations Advisor. The individual will be given the opportunity to provide an explanation to any discrepancies between the information they have provided and that disclosed in DBS check. An open and measured discussion will take place on the subject of any offences or other matter that might be relevant to the role.

In order to make an informed decision on the individual's continued employment or volunteering the line manager will investigate the situation. Consideration will be given to whether the information provided is relevant and correct.

7.0 Unsatisfactory DBS check received – outcomes

7.1 DBS risk assessment

In exceptional cases, where a DBS check reveals new information about a criminal record, a risk assessment may be deemed appropriate. This will be carried out by the line manager, supported by the Regional HR Operations Advisor, and the employee. A meeting will usually take place first to determine if this is appropriate in the circumstances.

A risk assessment may be completed in cases where:

- An individual believed a previous conviction to be spent so did not disclose it earlier (in line with the ROA).
- An individual disputes the information on the disclosure and after investigation it turns out to be incorrect information and the individual has given the correct information
- A disclosed unspent conviction is relevant to the job role

Upon completion of the risk assessment, a decision will be made as to the relevance of the unspent conviction and the suitability of the individual for the role or whether the employment is terminated.

7.2 Pre-employment – withdrawal of offer

If a DBS check is deemed unsatisfactory from PDSA's perspective, and the individual has not commenced employment, the offer will be withdrawn.

PDSA will handle withdrawing a job offer in a sensitive manner and verbally (initially). The recruiting manager will telephone the individual to explain that a condition of the offer has not been met and that the offer of employment is being withdrawn. This conversation will be followed up in writing.

The individual will have the opportunity to talk about the decision and the recruiting manager will take the time to listen sensitively to the individual's views. The recruiting manager will record the reason for withdrawing the offer and the main points of the conversation.

7.3 Commenced in role – Termination of employment

If a DBS check is deemed unsatisfactory from PDSA's perspective, and the individual has commenced employment, their employment may be terminated.

A decision to dismiss will only be made after the circumstances of the case have been thoroughly investigated and all other options have been explored but deemed inappropriate. Other options may include conducting a risk assessment or redeployment into a different role.

8.0 Referrals and Barring

As PDSA has employees and volunteers working with children and/or adults at risk in regulated activity, legislation places a duty on the organisation to make a referral to the DBS in certain circumstances. This is when PDSA has taken the decision to dismiss or remove an individual from working with children and adults at risk because

they have;

- Been cautioned or convicted of a relevant offence; or
- Engaged in relevant misconduct in relation to children and/or adults at risk (e.g. an action or inaction (neglect) that has harmed a child or adult at risk or put them at risk of harm)
- Satisfied the harm test in relation to children and/or adults at risk (i.e. there has been no relevant conduct (no action or inaction) but a risk of harm to a child or adult at risk still exists.

If an employee or volunteer has been cautioned or convicted of a relevant offence, PDSA must notify the DBS as soon as it is aware.

9.0 Existing employees and volunteers

If employees or volunteers work in a role which requires a DBS check they are required to notify PDSA of being arrested/charged with any criminal offence or served with a summons on criminal charges (excluding parking offences or minor motoring offences), during the course of their employment or placement. They are also required to inform PDSA if they are placed on the barred list if they work in a role which involves regulated activity. Failure to disclose this information could be treated as a serious disciplinary matter.

In cases where a criminal record is disclosed and indicates that the person may be unsuitable to continue in their current role, the employee or volunteer may be suspended from work or transferred temporarily to another post whilst an investigation is undertaken.

If misconduct is not an issue, but ultimately PDSA decides that any information does cast a serious doubt about the suitability of an employee to continue in their role, then the employee may be dismissed on the grounds of some other substantial reason, as a result of a breakdown in trust and confidence between the employer and employee. For volunteers, they may be asked to no longer volunteer for PDSA on the basis that they are no longer able to work in a role which involves regulated activity.

For those roles subject to a DBS check, a follow up check will be carried out every three years.

Supporting procedures and Information:

Recruitment policy

DBS Risk Assessment

Working with Young People and Adults at Risk procedure