

# Disclosure & Barring Service (DBS) Policy

## 1. Summary

- 1.1. This policy sets out the approach that SHAL will take when recruiting employees to posts involving work with children/vulnerable adults.
- 1.2. We are committed to equality of opportunity for all job applicants and aim to select people for employment based on their skills, abilities, experience, knowledge and, where needed, qualifications and training.
- 1.3. We will comply with our legal obligations when recruiting people to work with children/vulnerable adults
- 1.4. This policy applies to positions to work with children/vulnerable adults in England and Wales.

## 2. Objectives

- 2.1. This policy sets out action to be taken by SHAL in conducting appropriate DBS checks of employees to comply with our legal obligations when recruiting people to work with children or vulnerable adults.

## 3. Details

- 3.1. Types of Disclosure and Barring Service check
  - 3.1.1. There are four types of Disclosure and Barring Service (DBS) check:
    - a Basic disclosure: Shows details of unspent convictions only.
    - b Standard disclosure: Shows details of spent convictions, unspent convictions and cautions that have not been filtered.
    - c Enhanced disclosure: Shows details of spent convictions, unspent convictions and cautions that have not been filtered. Includes a check of local police records.
    - d Enhanced disclosure with barred lists check: Shows details of spent convictions, unspent convictions and cautions that have not

been filtered. Includes a check of local police records and the barred lists held by the DBS.

3.1.2. Disclosure of criminal convictions

3.1.3. We require job applicants for the following posts to disclose all criminal convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned):

- a Housing Manager
- b Housing Officer
- c Maintenance Manager
- d Maintenance Operatives

3.1.4. DBS checks

a Job applicants for one of the following posts will be required to [produce on request/ [or] give us permission to apply via a Responsible Organisation for] a basic disclosure, showing details of unspent criminal convictions:

- Housing Manager
- Housing Officer
- Maintenance Manager
- Maintenance Operative

3.1.5. Where a basic disclosure only is required, [the job applicant will apply for this/we will seek the job applicant's permission to apply for this via a Responsible Organisation].

3.1.6. Where we require any type of DBS disclosure, other than a basic disclosure, we will seek the job applicant's agreement to make a joint application to the DBS for the DBS check.

3.2. Process for DBS checks

- 3.2.1. To enable job applicants for posts covered by this policy to carry out the DBS check (other than where a basic disclosure only is required), we will provide them with an application form and ask them to complete and return the form to our organisation along with documents proving their identity.
  - 3.2.2. We will send the completed form to the DBS together with the application fee. Once the check has been carried out, the DBS should send the certificate to the job applicant. We will ask the job applicant for sight of the DBS certificate.
  - 3.2.3. If the job applicant is a member of the DBS update service, we will, with their permission, carry out a status check on any current certificate.
  - 3.2.4. The job applicant will be responsible for paying the DBS application fee, which we will refund to them in full.
- 3.3. Offers of employment
- 3.3.1. An offer of employment for a post involving work with children/vulnerable adults will be conditional on the job applicant satisfying our usual requirements for employment (for example to provide satisfactory references and evidence establishing their right to work in the UK).
  - 3.3.2. In addition, our offer of employment will be conditional, where required, on satisfactory completion of DBS checks, depending on the post in question. In the event that a job applicant refuses to agree to an application to the DBS, or a DBS check is completed but they refuse to allow us to see the DBS certificate, the job applicant will be treated as not having satisfactorily completed the DBS check.
  - 3.3.3. Job applicants will not, without exception, be permitted to commence employment with our organisation until all specified conditions are satisfied.

3.3.4. Not all criminal convictions will be a bar to employment. We will consider the results of a DBS check on an individual basis and will act in a proportionate manner when deciding whether to proceed with an appointment to the post in question. However, the protection and safeguarding of children/vulnerable adults is our primary concern.

### 3.4. Data protection

3.4.1. Our organisation processes information about individuals' criminal records in accordance with its data protection policy / policy on processing special category personal data and criminal records data. We hold data collected during recruitment securely. We will allow only authorised individuals to access and/or disclose personal data for the purposes of completing the recruitment process.

3.4.2. Inappropriate access or disclosure of employee data constitutes a data breach and anyone who becomes aware of such a breach should report it immediately in line with our organisation's data protection policy. A data breach is also likely to constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

3.4.3. We will destroy securely any information about criminal records gathered in the course of the recruitment vetting process. No personal data related to criminal records will be transferred to any human resources record.

3.4.4. We are committed to going through the proper DBS channels to establish whether or not an individual has a criminal record. We will not require job applicants or existing employees to use their subject access rights under data protection provisions to provide criminal record details.

### 3.5. DBS Records and Checks

3.5.1. DBS Checks will be carried out every year by your line manager. All DBS Certificates including any updates will be stored on the BreatheHR system.

3.5.2. Information stored on BreatheHR will include:-

- a DBS Reference number
- b DBS level
- c Date submitted
- d Expiry date
- e Agency used who processed the check
- f Copies of the DBS Certificates and documentation
- g Any corresponding notes

#### **4. Outcomes**

4.1. SHAL will have a process to follow and a procedure in place which will apply to all employees who are employed to work with children or vulnerable adults and will allow for initial DBS checks to be carried out prior to employment as well as a system of continued monitoring of DBS in compliance with SHAL's legal obligations.

#### **5. Consultation**

- 5.1. A copy of this policy is available on our website to allow members of the public an opportunity to comment on its contents.
- 5.2. All tenants will be contacted to let them know of its availability online and a copy will be made available on request.
- 5.3. SHAL's involved tenant group will review the policy and suggest any comments and amendments to the board.

#### **6. Equality, diversity & Inclusion**

- 1.1. We will treat all our customers fairly and equally. We will not, under any circumstances, discriminate against anyone because of:
  - 1.1.1. Age
  - 1.1.2. Being or becoming a transsexual person

- 1.1.3. Being married or in a civil partnership
- 1.1.4. Being pregnant or on maternity leave
- 1.1.5. Disability
- 1.1.6. Race including colour, nationality, ethnic or national origin
- 1.1.7. Religion, belief or lack of religion/belief
- 1.1.8. Gender
- 1.1.9. Sexual orientation
- 1.2. We will understand the different needs of our customers and we will ensure our services are accessible to everyone and will make reasonable adjustments for people so that they can make full use of this policy and process.

**7. Value for money**

- 1.3. For SHAL, value for money means delivering our purpose as efficiently, economically, equitably and effectively as possible.
- 1.4. This policy will provide value for money by ensuring that time and resources are not wasted and that SHAL uses complaints to improve its services efficiently and effectively.

**8. Owner**

- 8.1. Housing Manager

**9. Version and Revisions**

- 9.1. This policy will be reviewed every 3 year(s).
- 9.2. Revisions

New version	Date	Revision details
1.1	03/10/23	Updated to confirm DBS checks will be completed annually