

Ash Parish Council



Disclosure and Barring Policy

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Policy on Disclosure and Barring Service (“DBS”) Checks

1. Background

- 1.1. This policy complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service Code of Practice.

2. General Principles

- 2.1. In light of the fact that Council has Parish Events engaging with the public for social functions, this Policy requires Councillors, Co-opted Councillors, Parish Officers and Event Volunteers who will be part of the organising or volunteering at events (the event team) to undergo a basic level DBS check.
- 2.2. Ash Parish Council (The Council) is a statutory organisation committed to providing a safe environment. The Council believes that: The welfare of the child or young person is paramount. All children and young people, regardless of gender, ethnicity, disability, sexuality or religion, have the right to protection from abuse.
- 2.3. All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately. All staff, volunteers and elected Members are not to deal with situations of abuse or to decide if abuse has occurred. All staff, volunteers and elected Members of the Council have a responsibility to report concerns to the Clerk.

3. The Process

- 3.1. Within two months of the date of this Policy and prior to being part of an event team, Councillors, co-opted Councillors, Parish Officers and Event Volunteers who are part of the event team will be required to undergo a basic DBS check.
- 3.2. Checks will be processed by the Clerk using the online DBS service.
- 3.3. The relevant Councillors, Parish Officers and Event Volunteers will be provided with a DBS certificate issued by the DBS. The Council will be notified of the disclosure and whether the DBS check is clear.
- 3.4. This information will be returned to the Clerk. Where a check is not clear, for instance, it contains details of an offence, the Councillors, Parish Officers and Event Volunteers will be required to provide a copy of the DBS certificate to the Clerk within 28 days of the date of issue of the DBS certificate, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Clerk within 28 days following the outcome of the dispute.
- 3.5. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Clerk will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 3.6. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant’s full consent has been given.
- 3.7. Records of the Disclosure Number will be kept electronically, along with the date of issue. Where Disclosure Information is made available this will be kept securely in lockable, non-

portable containers and destroyed within six months in line with the DBS Code of Practice and the Data Protection Act.

3.8. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. While awaiting destruction, disclosure information will remain in a lockable container. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept.

3.9. However, as stated above, the Clerk will maintain a register of the date of the request for and issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure.

4. Portability

4.1. DBS certificates are not portable other than those between individuals registered with the online DBS update service. Owing to current difficulties with the online DBS update service, DBS certificates obtained by individuals through the online DBS update service will not be accepted. This is currently under review.

5. The Use of Disclosure Information

5.1. The existence of a criminal record or other information revealed as a result of a basic DBS check will not debar a Councillor or Co-Opted Councillor from holding office or be detrimental to a member of staff in their role. It will only impact their participation in events where DBS is deemed necessary, as agreed by the HR Committee.

5.2 In the event that the disclosure information received raises issues of concern, the Parish Chairman or HR committee member advised by the Clerk as required, in consultation with the relevant individual, will discuss with the individual the restrictions considered necessary, to safeguard children, young people and adults, for the events volunteered by the individual

6. Re-checking DBS

6.1. Councillors, Co-opted Councillors, Parish Officers and Event Volunteers working or volunteering in any areas with children are required to undertake a new DBS Disclosure every 3 years or sooner if Councillors, Co-opted Councillors or Parish Officers change to continue as event volunteers or organisers.

6.2. The DBS Disclosures for these groups of people are monitored and the Clerk initiates the process every 3 years or sooner if Councillors, Co-opted Councillors or Parish Officers change.

6.3. When a Councillors, Co-opted Councillors, Parish Officers and Event Volunteers existing DBS Disclosure reveals a criminal background or any cause for concern (i.e. it is a Positive DBS Disclosure) the Clerk will advise on the issues, using this policy.

6.4. In addition, a new DBS disclosure will be applied for where an individual moves to a new position within the organisation that: requires a check at a higher level, or involves responsibilities not previously checked.

7. Disposal

7.1. Once the retention period has elapsed, the Council will ensure that any DBS certificate information is destroyed by secure means, for example 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). The Council will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

7.2. However, notwithstanding the above, the Council may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

8. Clerk Responsibilities for Parish Officers

8.1. The Clerk is responsible for identifying if the role requires a DBS check. Ensuring that all identification documents presented by the applicant are original, appropriate and relevant and verifying this on the on-line system. Ensuring that every employee appointed to a post which requires a DBS disclosure has completed and submitted a DBS disclosure online prior to appointment. Ensuring that no employee commences work without a DBS disclosure being received. Ensuring that all other recommended pre-employment checks have been carried out satisfactorily prior to appointment.

8.2. Making a decision, in discussion with the Chair or HR Committee representative about employment when a positive DBS disclosure is returned, using a risk assessment approach as necessary. Making a written account of the decision and reasons for it on a Positive Disclosure Decision Sheet, to be retained in a sealed envelope in the employee's personal file. Advising the HR Committee on decisions about employment on positive DBS disclosures.

9. Dealing with Positive Disclosures

9.1 A positive disclosure is a certificate that shows cautions, warnings or convictions. They may show spent convictions and also unspent convictions, and for Enhanced checks, they will also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

9.2 A summary of the action to be taken following receipt of notification of a DBS disclosure is set out below:

Outcome	Action
Disclosure with "No Content"	Appointment proceeds subject to all other pre-employment checks. Applicant required to bring in certificate on first day of employment
Disclosure with "Content"	Applicant asked to bring certificate in to show the Clerk as soon as possible. No start date is arranged. The Clerk should seek advice on the implications of the information revealed. The Clerk completes Positive Disclosure Decision Sheet
Applicant is barred from working with children and/or vulnerable adults	Depending on the role and duties, the offer of employment is void • Appointment is unlawful and must not proceed. A risk based assessment is conducted to ensure the role can be conducted with conditions which will be documented.