



Fixing the Big Issues for Disabled People in Buckinghamshire

Charity No 1102511

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Disclosure and Barring Service (DBS)

Policy and Procedures

Reviewed and updated – July 2024

Approved by Trustees – July 2024

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Introduction

1. BuDS strongly believes that everyone with whom BuDS works with should be safe from harm or exploitation, as explained in BuDS's Vulnerable Adults Protection Policy and BuDS's Child Protection Policy. DBS checks are an important part of how BuDS helps to ensure that everyone is kept safe.
2. The Disclosure and Barring Service (DBS) allows BuDS to know if people working or volunteering for BuDS have committed any criminal offence or have information recorded about them by the police. BuDS does this by applying to the DBS for a Disclosure Certificate. This Certificate will either have details of a person's criminal record and police on it or be 'clear', because the person has no criminal record. The process of applying for a Disclosure Certificate is known as a 'DBS check'.
3. There are two types of DBS check:
 - a. 'Standard' check. This is a report of the criminal offences which a person has committed (their 'criminal record'). Standard checks are not used by BuDS.
 - b. 'Enhanced' check. This is a report of the criminal offences which a person has committed (their 'criminal record') plus information held about people by the police in addition to their criminal offences (their 'police record'). This extra information may include details of offences of which you were accused, arrested or charged but for which you were not found guilty. Enhanced checks are used by BuDS in all cases.
4. Very rarely, the DBS or police forces may decide to send highly confidential information as part of the DBS check. This information is not on the Disclosure Certificate but in a separate confidential letter. BuDS is forbidden by law from disclosing the existence of this letter or its content to anyone who has no need to know it, including the person concerned. If BuDS is subject to such a ban, this will override any part of this policy.

Who needs a DBS Check?

5. All the work done by BuDS Trustees, staff and volunteers is regarded by the government as 'regulated activity' under the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012). This means that all BuDS Trustees, volunteers and employees must be subject to an enhanced DBS check.
6. BuDS' policy is to obtain enhanced-level DBS disclosure for all trustees and staff as part of our recruitment process to the maximum extent permitted by law. Volunteers whose role means that they will be directly working with vulnerable adults or with children will also have the same checks completed to the maximum extent permitted by law. BuDS will also prevent anyone for whom a satisfactory DBS check has not yet been completed

from having unsupervised access to BuDS beneficiaries and clients or to sensitive data about them.

7. All trustees, staff and required volunteers will have repeat DBS checks to enhanced level every three years after the date of their first DBS check.

8. BuDS also reserves the right to repeat a DBS check to enhanced level if a person moves jobs or roles within BuDS, especially if the new role has greater access to vulnerable adults or children.

9. If a person reports to BuDS, or BuDS becomes aware, that they have committed a criminal offence since their DBS check was committed, BuDS reserves the right to repeat a DBS check to enhanced level.

BuDS Expectations

10. BuDS expects everyone to actively and promptly co-operate with the process of obtaining an enhanced DBS check, even if they have already obtained enhanced disclosures for other organisations or employers. Forms and appropriate ID material should be returned within 5 working days of receipt. If this is not possible, the BuDS Chairman or Secretary should be told immediately. If you feel that your DBS check is being unreasonably delayed or slow, inform the Chairman or Secretary immediately. Do not assume that your DBS check is someone else's responsibility – be proactive.

11. Anyone – volunteer, employee or Trustee - who in the opinion of BuDS unreasonably delays filling in the application form for a DBS check or providing ID or other necessary information will be instantly suspended until the DBS check is complete. This suspension may be without pay in the case of an employee and such conduct may be regarded as a disciplinary offence.

12. Anyone who refuses to have an enhanced DBS check or deliberately evades a check (or who helps another to do this) will not be allowed to have a job or role within BuDS, will be removed instantly from any role or job they may hold in connection with BuDS, and will be reported to the police and Disclosure and Barring Service. Employees who behave in this way may be summarily dismissed as BuDS will regard this behaviour as gross misconduct.

13. You must immediately tell BuDS (by writing to the Safeguarding Officers) if you are arrested, charged or convicted of a serious criminal offence relevant to your role or job within BuDS. If you don't know whether the offence is serious or relevant, please tell us anyway. If you do not do this, and BuDS subsequently discovers the facts, you may be suspended or removed from any role or job you may hold in connection with BuDS, and may be reported to the police and Disclosure and Barring Service. Employees who fail to report in this way may be disciplined or even summarily dismissed.

What if I have, or get, a Criminal or Police Record?

14. BuDS does not automatically refuse to employ or onboard people as volunteers with a criminal or police record. We are required by the DBS's Code of Practice and our own values to treat applicants (and existing staff and volunteers) who have or get a criminal record fairly and not to discriminate against them because of their criminal or police record.

15. We encourage all applicants to provide details of their criminal record at an early stage in the application process, eg when first applying or if invited to interview. If doing so, please send the information under separate cover, marked 'To be Opened by Addressee Only' to the BuDS Safeguarding Officer at BuDS' usual postal address or ideally to our info1@buds.org.uk email address.

16. BuDS guarantees that:

- a. only authorised people and the members of the selection panel for the job or role will see the information
- b. BuDS will protect and maintain the confidentiality of the information and hold it securely
- c. BuDS will destroy the information either after 6 months if the application is unsuccessful or, if the application is successful, as soon as a DBS Disclosure Certificate is received by the applicant if applicable.

17. What BuDS does on receipt of information about a criminal or police record will depend on the nature of the job or role within BuDS for which you are applying or which you hold, and the circumstances and background of your offences or police record. Usually, BuDS will carry out a formal risk assessment before deciding how to proceed. The BuDS Safeguarding Officers will carry out this risk assessment. We will always give you the opportunity to have an open and measured discussion with us before we make a decision. We will always inform you in writing of our decision and the reasons for it.

18. It is very important that anyone with a criminal or police record is open and honest and actively and promptly co-operates with BuDS while we decide how to proceed. BuDS may report to the ISA or the police anyone who we believe has behaved dishonestly or evasively during an application or while being risk assessed. Failure to reveal information about a criminal or police record that is directly relevant to the position sought or held could lead to BuDS withdrawing of an offer of employment or a voluntary role, or removal from any job or role which you have started.

Confidentiality

19. BuDS complies with the DBS Code of Practice for the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. BuDS also carries out its obligations under the Data Protection Act 1998 and other relevant legislation in relation to the safe handling, use, storage, retention and disposal of Disclosure information.
20. For the purposes of this policy, the following are authorised persons to receive DBS information:
 - a. BuDS Chair
 - b. Any BuDS Safeguarding Officers (the Chair of Trustees, Secretary and HR included)
 - c. Any Trustee authorised by the Board of Trustees to take part in risk assessments
21. Only the full Board of Trustees can add other authorised persons to this policy.
22. BuDS will make all Trustees, volunteers and employees aware of the existence of this policy and also the statutory DBS Code of Practice. Staff regularly involved in recruitment will have safeguarding awareness training including training in DBS issues. All those involved in risk assessments will be suitably trained.
23. BuDS will send a copy of this policy or made it available to all new potential employees or volunteers as part of the initial job or role description.