



TEITL Y POLISI: <i>POLICY TITLE:</i>	<i>DBS for Recruitment Policy</i>
UWCH-GYFARWYDDWR A CHYFRIFOLDEB: <i>RESPONSIBLE EXECUTIVE DIRECTOR:</i>	<i>KATH COUGHLIN</i>
PWRPAS: <i>PURPOSE:</i>	GLLM is committed to safeguarding all learners and employees across the Grŵp. In support of this, the Grŵp adheres to the DBS Code of Practice. This policy therefore outlines the Grŵp's approach to safer recruitment in relation to undertaking DBS checks.
EFFAITH AR DDWYIEITHRWYDD: <i>IMPACT ON BILINGUALISM:</i>	<i>No impact.</i>
EFFAITH AR GYNALIADWYEDD: <i>IMPACT ON SUSTAINABILITY:</i>	<i>No impact.</i>
ARGYMHELLIAD: <i>RECOMMENDATION:</i>	<i>To approve</i>
CYFATHREBU <i>COMMUNICATION</i>	<i>E-mail, Intranet</i>
PWLLGOR / GRŴP MONITRO: <i>COMMITTEE / GROUP RESPONSIBLE FOR MONITORING:</i>	<i>Tîm Strategol, JCC, Finance and Resources Committee</i>
CYMERADWYWYD GAN: <i>APPROVED BY:</i>	<i>BOARD</i>
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1.0 Introduction

Grŵp Llandrillo Menai (GLLM) is committed to safeguarding all employees and learners across the Grŵp. It is required to meet certain criteria as set out in Part V of the Police Act 1997. It therefore adheres to the DBS Code of Practice and satisfying obligations as described in the Criminal Record Registration Regulations 2006 (Conditions attached to Registration). This policy outlines the measures GLLM will take in order to comply with these requirements.

2.0 Privacy statement

GLLM acts as a Registered Body, submitting DBS checks for both staff (including agency) and learners. Personal and Sensitive Personal information is disclosed on DBS applications which are then checked by GLLM countersignatories and lead countersignatory prior to being sent to DBS. No copies are made or retained by GLLM.

Applications are processed by DBS as the Data Controller. All applicants are provided with details of how to access the [DBS Privacy Policies](#) and must sign and return the declaration (as provided at appendix 1 on page 8) that they have read these prior to applications being submitted.

Copies of Personal DBS certificates are required by GLLM and will form part of the employees, agency workers or learners' personal file and used in conjunction with their employment or educational relationship, as per [GLLM Privacy Policy](#) (Students and employees) which is available on the GLLM website.

3.0 Registration

GLLM is eligible to register with DBS on the following grounds:

- It submits more than 100 eligible DBS check applications per year;
- It is entitled to ask exempted questions under the [Rehabilitation of Offenders Act 1974](#);
- It complies with the DBS Code of [Practice](#), and;
- It pays the appropriate fees in relation to DBS checks, as well as registration of the organisation and countersignatories.

GLLM will communicate in writing to DBS any changes to the lead countersignatory, countersignatories or their details as per [DBS guidelines](#).

4.0 Eligibility

4.1 [Basic DBS checks](#)

There is no eligibility requirement for a basic DBS check. As a minimum standard all employee applicants (including via agency) will be required to have a basic DBS check.

4.2 [General](#)

Standard and enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates).

GLLM undertakes DBS checks, at the appropriate level, on all employees as part of their safe recruitment process. Agency workers are required to provide evidence of the appropriate check prior to a placement commencing. GLLM also undertakes checks for some students if their course and intended professions requires a DBS check – eligibility is determined and reviewed by Learner Services managers. When determining eligibility to undertake DBS checks, GLLM will comply with [DBS eligibility guidance](#).

DBS provide an electronic [eligibility tool](#) which GLLM may use to assess applicant requirements. Results of these may be retained on file.

4.3 Level of Check (Enhanced or Standard)

Although DBS eligibility guidance will always be complied with, some general principles will apply in relation to employee checks. For example, any member of staff teaching or undertaking any other form of regulated activity (as defined by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2013/2669](#) (the legislative definition of work with children) and the [Department for Education \(DfE\) factual note](#) with under-18's in an FE or HE setting will be eligible for an enhanced DBS check (with a check of the Children's Barred List – see below).

Any other non-regulated activity within an FE setting (e.g. administrative work) is eligible for an enhanced DBS check (without a check of the Children's Barred List) if the work does bring the member of staff into regular contact with students under the age of 18.

If the work does not involve regular contact with children (students under the age of 18), the member of staff would be eligible for a standard DBS check.

DBS applications for students are requested when those students are undertaking courses where they carry out regulated activity with children and/or adults, therefore an enhanced level check will be required.

4.4 Barred Lists – Children (Regulated Activity with Children in Wales)

GLLM complies with the Department for Education's statutory guidance on regulated activity and DBS guidance on Regulated Activity with Children in Wales. Regulated activity is defined in the Safeguarding Vulnerable Groups Act 2006 which has been amended by the Protection of Freedoms Act 2012 and regulated activity is work which a barred person must not do. [The Department for Education \(DfE\) factual note](#) provides help in identifying whether a role falls into the definition of regulated activity with children.

An employee who will be undertaking teaching or any other form of regulated activity with under 18's in an FE or HE setting will be eligible for an enhanced DBS check with a check of the Children's Barred List.

A student who is undertaking a course where they carry out regulated activity with children will be eligible for an enhanced DBS check with a check of the Children's Barred List.

4.5 Barred Lists – Adults (Regulated Activity with Adults in Wales)

GLLM complies with the Department of Health's statutory guidance on regulated activity and DBS guidance on Regulated Activity with Adults in Wales. When carrying out a DBS check to assess someone to carry out regulated activity with adults means that an organisation is a regulated activity provider (RAP). This brings obligations under the Safeguarding Vulnerable Groups Act 2006. A barred list check can only be undertaken if the employee is providing one of the six regulated activities with adults as described in the [guidance](#).

A student who is undertaking a course where they carry out regulated activity with adults will be eligible for an enhanced DBS check with a check of the Adult's Barred List.

4.6 Home Based Position Checks

A role is considered to be a home-based position if the following definition applies:

- the applicant carries out some or all of his or her work with children or adults from the place where the applicant lives; or
- they live in the household of someone who is being or has been checked because they work with children and carry out some or all of their work from their own home.

Positions are not considered home-based if the work is being carried out at the home of the individual being cared for, or being provided with a service or activity which is listed in the [home-based position flowchart](#). The definition explains the circumstances in which an application could be considered as home-based and, therefore, should be sent to police forces for consideration of third party checks.

The purpose of the third party check is to allow the police to consider information held not only on the applicant, but also on a family member, relative or close friend. As the legislation permits disclosure of 'any information', this too may be considered for disclosure on a certificate.

GLLM will apply the [home-based position flowchart](#) to establish if any roles fall within this definition.

5.0 Identity Verification

GLLM has trained identity checkers within Human Resources, for employee and agency DBS applications, and Learner Services, for student DBS applications. All evidence checkers are trained to vigorously check the identity of applicants from the DBS list of approved documents. It is best practice for this to be undertaken in person or as an alternative it may be undertaken via a live video link if DBS guidance allows it, for example, in line with [temporary adaptations due to Covid](#). In both situations the checker must be in possession of original documents. Comprehensive guidance is provided for both identity checkers and countersignatories in Appendix 2 attached to this policy.

6.0 Application Process

Once checked as outlined above, forms are then passed on to the approved countersignatories within the organisation (HR for employee and agency applications and Learner Services for student applications). Countersignatories follow DBS guidance in further checking and authorising the application form and must ensure that identity checking has been completed correctly and that the appropriate level of check (standard or enhanced) and the appropriate workforce (child or adult) is stated in the application. Comprehensive guidance is provided for both identity checkers and countersignatories in Appendix 2 attached to this policy.

7.0 Policy on the recruitment of Ex-Offenders

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), GLLM complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

GLLM undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

GLLM can only ask an individual to provide details of convictions and cautions that GLLM are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

GLLM can only ask an individual about convictions and cautions that are not protected.

GLLM is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

GLLM provides a copy of this policy to all DBS applicants at the start of the recruitment process.

GLLM actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

GLLM select all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

GLLM ensures that all HR staff involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

GLLM also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

During recruitment processes, GLLM ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

GLLM makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

GLLM undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

8.0 Policy on the Secure Handling of Information

8.1 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, GLLM 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 General Data Protection Regulation (GDPR), Data Protection Act 2018 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.

8.2 Storage and access

Certificate information will 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. Alternatively certificate information will be retained in secure electronic personal files in adherence to GLLM IT guidelines.

8.3 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 in an individual's personal file of all those outside of HR or Learner Services 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. 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.

8.4 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

8.5 Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately 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).

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, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

9.0 Appendix 1 - Applicant DBS Privacy Policy declaration

I have read the relevant Basic or Standard and Enhanced DBS Check Privacy Policy for applicants (available at: <https://www.gov.uk/government/publications/dbs-privacy-policies>) and I understand how DBS will process my personal data and the options available to me for submitting an application. I understand that this declaration will be retained by GLLM in relation to the purpose of my application.

First name(s)		
Surname		
Purpose	Employment (including via agency)	Education
Dated		
Signature		

10.0 Appendix 2 - DBS ID Checking Sheet; DBS Countersignatory Guidance



DBS ID checking
sheet - May 21.docx



DBS
countersignatory guid


11.0 Appendix 3 - Impact assessments

This policy has been subject to thorough impact assessments, the outcomes of which are outlined below.

Equality Impact Assessment			
Assessment completed by:	Gwennan Richards	Dated:	22/07/2021
Consideration	Response	Special requirements / controls	
Which protected groups might be disadvantaged by the policy/process	It is not considered that the policy will have potential for negative impact on any protected groups.		
Which protected groups might benefit from the policy/process	This policy ensures that all staff and learners are safeguarded, protecting individuals from across all the protected characteristics.		
Does the policy advance equality and foster good relations	Yes. The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures.		
Could any part of the process discriminate unlawfully	Not if the policy is fully adhered to		
Are there any other policies that need to change to support the effectiveness of this one	No		
Conclusion	Continue the Policy and process		

Welsh Language Impact Assessment			
Assessment completed by:	Gwennan Richards	Dated:	22/07/2021
Consideration	Response	Special requirements / controls	
What positive effects will the implementation of the policy or procedure have on the use of Welsh language?	This policy outlines the Grŵp's approach to undertaking DBS checks when recruiting staff. The process, guidance, and all documentation involved with applying for a DBS check is available to staff in Welsh.		
What negative effects will the implementation of the policy or procedure have on the use of Welsh language?	None, all guidance and documentation provided by GLLM to staff in relation to a DBS check is available in Welsh.		
Are there sufficient Welsh-speaking staff available to implement the policy or procedure? If not, what steps will be taken to ensure that sufficient staff are available, and by when?	There are sufficient Welsh speakers amongst the HR team to ensure that the process can be completed in Welsh.		
Does the policy or procedure comply	Yes		

with Grŵp Llandrillo Menai's Welsh Language Schemes/Language Strategy?		
Conclusion	Continue the policy or procedure	

Sustainability Impact Assessment			
Assessment completed by:	Lisa Fowle	Dated:	5/10/2021
Consideration	Response	Special requirements / controls	
How will this policy impact upon the Grŵp's sustainability strategy?	This policy will not have an impact on the Grŵp Sustainability and Environmental Policy.		
Conclusion	Continue the policy or procedure		
SIGNED:		Dated:	5/10/21