



Disclosure and Barring Services Policy

Date adopted:17.03.25 at Full Council

Review Date: To be reviewed every 3 years starting May 2028 unless an earlier review is required eg: due to a change in the law.

Introduction and Purpose

This policy statement provides guidance on the effective use of the Disclosure and Barring Services (DBS) Disclosure process to safeguard the children and adults who access our services. Wroughton Parish Council is committed to safeguarding the welfare of those accessing its services through the effective use of the DBS Disclosure vetting process for all relevant groups of staff and volunteers.

Throughout this document where a “DBS Disclosure or check” is referred to, this covers all types of DBS checks (i.e. basic/ standard/enhanced/enhanced + children’s and /or adults barred list check).

Where the term ‘vulnerable adult’ is used, this is where an adult is in receipt of or accessing a service which leads that adult to being considered vulnerable at that particular time. There are no instances of regulated activities for adults in any areas of work the Council undertakes.

This policy sets out the approach to criminal background checks within the Parish Council.

Scope and Principles

Wroughton Parish Council promotes equality of opportunity for all and recognises the importance of employment in the rehabilitation of ex-offenders. As an organisation using the Disclosure and Barring Service (DBS) which was formerly the Criminal Records Bureau (CRB) Service to assess applicants’ suitability for position of trust, the Council complies fully with the DBS Code of Practice.

After a certain length of time some sentences are considered spent and must be disregarded. Unless the nature of the work means that a role is exempt, applicants are not asked to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974. Having an unspent conviction will not necessarily bar applicants from employment. Criminal records should be taken into account for recruitment purposes only when a conviction is relevant.

The principles in this policy apply to both paid staff and volunteer positions.

DBS checks on people employed to work with children and adults are allowed as an exemption to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). Under the Act individuals are not required to disclose any 'spent' convictions, unless the exemption applies. The Protection of Freedoms Act 2012 (PoFA) introduced limits on the eligibility of certain types of employment for DBS checks.

Filtering Rules came into force from 29th May 2013. From that date certain old and minor convictions, cautions, reprimands and warnings do not have to be disclosed by the applicant and will not appear on the DBS check. The Filtering Rules can be found on the Gov.UK website. Some offences will never be removed from a DBS Certificate; these include the most serious sexual and violent offences.

Wroughton Parish Council complies fully with the DBS Code of Practice, undertakes to treat all applicants fairly and not to discriminate unfairly against anyone on the basis of conviction or other information revealed. Having a criminal record will not necessarily prevent an individual from being employed. This will depend on the nature of the role, professional suitability and the circumstances, nature and background of the offences.

Wroughton Parish Council recognises that access to criminal record information must strike a balance between the rights of children and the vulnerable in society, an individual’s right to privacy, and the rights of ex- offenders to become rehabilitated into society. It is essential that confidential and sensitive information about an individual's criminal record is handled fairly and properly.

Types of criminal record check

What information will be shown?	Basic DBS certificate	Standard DBS certificate	Enhanced DBS certificate	Enhanced with Barred Lists DBS certificate
Unspent convictions and conditional cautions	✓	✓	✓	✓
Spent convictions and cautions, subject to filtering	✗	✓	✓	✓
Relevant non-conviction information from the police	✗	✗	✓	✓
Children's and/or Adults' Barred List check	✗	✗	✗	✓
Who can apply?	Anyone over the age of 16	Eligible roles are listed in our eligible positions guidance	Eligible roles are listed in our work-force guidance	Eligible roles are listed in our work-force guidance
How do I apply?	Online only, either directly to DBS , or via a Responsible Organisation	Via a Registered Body, or Umbrella Body	Via a Registered Body, or Umbrella Body	Via a Registered Body, or Umbrella Body
Can I link to the Update Service?	✗	✓	✓	✓

Basic Check

The basic check can be requested for any position and can be requested by the applicant themselves. This can be done through the Government website and only shows unspent convictions and criminal cautions.

Enhanced Check

The enhanced check is available for specific duties, positions and licenses included in both the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licenses. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held locally by police forces.

Enhanced with a Barred List Check

The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations, for example, prospective adoptive parents and taxi and Private Hire Vehicle (PHV) licenses.

An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held locally by police forces as an enhanced level check but in addition will check against the Children's and Adults' Barred Lists.

If your application includes a request to check the barred list(s) the DBS has a statutory duty to consider any information that suggests you may pose a risk of harm. We will write to you if you are affected.

Cost of disclosure

The cost of checks relating to staff appointments to, and councillors elected or co-opted onto Wroughton Parish Council, and any relevant volunteer posts as set out in the Safeguarding Policy will be met by Wroughton Parish Council.

Who will be subject to a DBS check?

A Basic DBS check will be required for all staff, both existing and future, and those volunteer posts set out in the Safeguarding Policy as requiring a Basic DBS check.

Checking references and gaps in employment is of paramount importance in the recruitment process of staff.

In exceptional cases, where a risk assessment made on another role raises a cause for concern, the Clerk may agree to authorise a DBS check. However, in these circumstances the DBS check will not include a check against the Barred List if the individual is not engaged in regulated activity.

All councillors are encouraged to carry out a Basic DBS check.

DBS Application Procedure

Staff, volunteers and councillors should carry out the check themselves. The DBS will send a Disclosure Certificate to the applicant on whom the check was carried out. The applicant must then show the Clerk an original copy of the DBS check certificate. The printing of copies of the certificate is not permitted. The applicant should then request reimbursement from the Parish Council.

Applicants are encouraged to upload their DBS onto the Update Service website where allowed. This needs to be done within 28 days of receiving the certificate. Costs for updating to the DBS Update Service will be met by the Council on an annual basis.

Roles and Responsibilities

DBS applicants are responsible for:

- Declaring if they have spent or unspent convictions (including driving offences), cautions, warnings or reprimands that are not covered by the filtering rules.
- Completing the online DBS form fully and accurately, in accordance with the DBS applicants' guide.
- Ensuring that they have sufficient original identification documents as set out in the DBS applicants' guide.

The **Clerk** is responsible for:

- Identifying any new roles that require more than a Basic DBS check and establishing the level of check required.
- Ensuring that staff working in any areas with children undertake a new Basic DBS Disclosure every 3 years.
- Ensuring that new members of staff show their DBS certificate prior to any starting employment, (but see 'Which employees can start without a DBS check having been received?').
- In consultation with the Deputy Clerk, making a decision about employment when a positive DBS disclosure is returned, using a risk assessment approach as necessary.
- In consultation with the Deputy Clerk, 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 Chair of the Parish Council on decisions about employment on positive DBS disclosures.
- Signing off the decision sheet for positive DBS disclosures.
- Ensuring that the applicant has read and signed the Privacy Policy.

Which employees can start without a DBS check having been received?

Under normal circumstances no employee who is due to work in a job that requires a DBS check may start employment before a DBS disclosure has been received. However, in some case where there is a delay, following a risk assessment, the Clerk can approve that the individual commences work prior to the receipt of the Certificate provided that the individual will not be working in an unsupervised capacity.

Where a volunteer is transferring to paid employment within the same service area, a new DBS check will not be required provided:

- the individual has been engaged in active volunteering for the service within the last three months and a DBS check was undertaken at the point of engagement
- the new post requires a DBS check at the same level
- the new post does not involve responsibilities not previously checked.

Where there is a break in service/engagement of 3 months or more, then a new DBS check must be applied for.

Overseas applicants and applicants who have lived abroad

The DBS can only check applicants from the date they arrive in the UK, or for the time the applicant has lived in the UK. The DBS cannot currently access overseas criminal records or other relevant information as part of its disclosure service.

If the Council recruits an individual from overseas, or an individual who has lived abroad in recent years prior to appointment, and needs to check their overseas criminal record, a DBS check may not provide a complete picture of the criminal record, which may or may not exist. A DBS check must be undertaken in the usual way. In addition, the applicant must contact the relevant Embassy to obtain a disclosure which should not be dated more than 6 months ago at the time of receipt. This disclosure must be sent to the Clerk before full clearance to work is issued. The Council reserves the right to seek verification of the documents provided.

Re-checking DBS

Staff and volunteers working in any areas with children (currently only library staff and library volunteers) are required to undertake a new DBS Disclosure every 3 years. The DBS Disclosures for these groups of employees are monitored and the Clerk initiates the process every 3 years.

Where an existing worker's 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.

In addition, a new DBS disclosure will be applied for where an individual move to a new position within the organisation that:

- requires a check at a higher level, or
- involves responsibilities not previously checked.

Dealing with positive disclosures

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.

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	• Offer of employment is void • Appointment is unlawful and must not proceed