



Disclosure and Barring Service Checks Policy and Procedure

Statement of Intent

The Association promotes equality of opportunity for all applicants with the appropriate skills; and welcomes applications from a wide range of candidates, including those with criminal records.

We will not discriminate unfairly against any person on the basis of a conviction or other information revealed in a criminal record check. We will assess 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).

The Association will carry out DBS checks for those posts where the duties involve regulated activity relating to vulnerable adults.

We will meet our obligations under the DBS Code of Practice 2015 and The Safeguarding Vulnerable Groups Act 2006 (Amendment) (provision of information) Order 2025, as amended by the Protection of Freedoms Act 2012.

The Association will pay the cost of all DBS checks carried out as a result of this policy, with the exception of agency staff who will be subject to their direct employer's policy with regard to payment.

Legislation

The Rehabilitation of Offenders Act 1974 is a UK law designed to help people with past criminal convictions re integrate into society by allowing most convictions to become 'spent' after a set rehabilitation period.

Certain occupations are excluded from the scope of the Act and applicants/employees in such occupations must disclose unprotected cautions and convictions, regardless of whether they are 'spent' or 'unspent'. These include roles involving children or vulnerable adults, healthcare professionals and justice and law enforcement roles and positions of trust in finance and governance.

Under the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, regulated activity refers to specific types of work that a person who is barred must not do. It includes roles involving close and regular contact with children and vulnerable adults. It also includes the day-to-day management or supervision of persons carrying out regulated activity.

The Protection of Freedoms Act 2012 amended the definition of 'regulated activity' and the Association does not have any posts that involve activities within the amended definition; However, those posts that met the original definition are still eligible for enhanced checks.

The Association does not have any posts that require a barring check, as defined by the Protection of Freedoms Act 2012.

The Association does not have any posts where the duties involve regulated activities, as defined by the Safeguarding Vulnerable Groups Act, or as amended by the Protection of Freedoms Act 2012, relating to children.

Implementation

General Principles

The Association will not seek registration with the DBS but will use an umbrella body who can countersign applications on our behalf.

An Enhanced Level Disclosure, without a check of the barred list, will be obtained before appointment to certain posts within RHA, the list of such posts is held by the Corporate Support Manager. An enhanced check consists of checks for spent and unspent convictions under the Rehabilitation of Offenders Act 1974, cautions, reprimands and final warnings held on the Police National Computer.

Ultimate responsibility for compliance with the parts of the Revised Code of Practice for DBS Registered Persons 2015 relating to receipt of Disclosure information lies with the Chief Executive.

An applicant will not be appointed if they refuse to give their consent to a DBS check and this is a genuine requirement for the role.

All application packs for positions where Disclosure will be requested will contain a statement explaining that a Disclosure will be requested in the event of a successful application.

It will also be made clear that a criminal record or conviction will not necessarily be a bar to obtaining employment.

Disclosures will be carried out every 3 years.

If a current employee refuses to give their consent to a DBS check this may be seen as a refusal to carry out a reasonable request and may affect their employment. Redeployment or removal of specific duties will be considered but if these options are not viable it may result in termination of employment.

Current employees are expected to inform their line manager, Director or the Corporate Support Manager, in confidence of any changes to their circumstances which affects their criminal record status, in order that the impact upon their suitability to undertake their role may be reviewed, appropriate support provided and/or action taken. This includes any criminal investigations, convictions or warnings. Failure to disclose convictions may result in disciplinary action.

Consideration of Information disclosed

a) Current Employees

Before reaching a decision, the following will be considered -

- Whether the conviction or other matter revealed is relevant to the post in question
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter revealed
- Whether the offence was a 'one off' or there is a pattern of offending behaviour or other relevant matters
- Whether the employees' circumstances have changed since the offending behaviour or other relevant matter
- The circumstances surrounding the offence and the explanation offered by the convicted person.

We will discuss any matter revealed in a DBS check with the employee concerned before reaching a decision and will be handled in accordance with the RHA disciplinary policy and procedure.

The employee will have the right of appeal against any action taken.

b) New employees

Before reaching a decision about the appointment of a new employee the following will be considered -

- Whether the conviction or other matter revealed is relevant to the post in question
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter revealed
- Whether the offence was a 'one off' or the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matter
- The circumstances surrounding the offence and the explanation offered by the convicted person.

We will discuss any matter revealed in a DBS check with the person seeking employment before withdrawing a conditional offer of employment.

Security

Disclosure information will usually only be available to the following staff -

- Chief Executive
- Corporate Support Manager
- Chief Finance Officer
- Chief Operating Officer

Other members of staff who interviewed an applicant or who are responsible for managing the member of staff may be informed that the Association has been unable to attain a satisfactory DBS check but not the specific details, unless they are included in discussions to decide on the action that will be taken in response to the disclosure.

All disclosures and other related documents will be kept in a locked cupboard in the Chief Executive's office, to which only the Chief Executive and the Corporate Support Manager have access.

Retention of Information

DBS certificates will not be retained by the Association. Essential details only, such as certificate number, date of issue and whether the check was 'clear or not' will be retained in line with DBS and GDPR guidance.

Should the decision be the subject of a dispute or appeal information relating to the decision will be retained for 6 months after resolution of the dispute or appeal.

All disclosure information will be destroyed by secure means.

Duty to refer information

The Association recognises the legal obligation to refer information to the Disclosure and Barring Service when –

- An employee is removed from carrying out a regulated activity on the basis that they have caused harm to a child or vulnerable adult.
- An employee is dismissed because they have harmed, or may harm a child or vulnerable adult
- An employee has been suspended because there is reason to believe that they have engaged in relevant conduct, or has harmed or may harm a child or vulnerable adult, or has received a caution or a conviction for a relevant criminal offence
- An employee has resigned in circumstances where there is a suspicion that they harmed, or may harm, a child or vulnerable adult, for example, where an employee resigns before disciplinary action is taken by the organisation.

Staff Awareness

This policy is made available on our website as part of the recruitment process. All colleagues involved in the recruitment process will receive appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.

Equality

This policy will be implemented in accordance with our Equality and Diversity policy.

Appeal

There is a right of appeal against any decision made by the Association in relation to this policy. Applicants may appeal via the Association's complaints procedure; and colleagues may appeal via the disciplinary policy and procedure.

An individual can also challenge any information that is disclosed on a DBS certificate relating to an enhanced disclosure under the Police Act 1997 (part v) and related regulations. If the dispute concerns police released information, it can be referred to the Independent Monitor for review.

Responsibility

The Chief Executive is responsible for the effective implementation of this policy.

Review

This policy will be reviewed every three years or sooner if there are any changes in legislation or the Association's staffing structure.