



**DISCLOSURE AND BARRING SERVICE
POLICY AND PROCEDURE**

**ASPECTS CARE LTD
DISCLOSURE AND BARRING SERVICE
POLICY AND PROCEDURE**

DISCLOSURE POLICY

1. INTRODUCTION

Disclosure is an information service provided by the Disclosure and Barring Service an executive agency of the Home Office.

The DBS was created by the merger of the CRB and the Independent Safeguarding Authority (ISA) on 1 December 2012. As a consequence, CRB checks are now referred to as "DBS checks". Standard checks may be made where a post is exempt from the provisions of the Rehabilitation of Offenders Act 1974, while an enhanced check is appropriate where the job involves working with vulnerable groups in a regulated activity as the disclosure can include information about whether or not the individual is on either of the barred lists held by the DBS (formerly held by the ISA).

It helps employers make informed recruitment decisions and so protect the vulnerable members of society. Like the previous police checking procedures which it supersedes, the DBS uses the Police National Computer record which services England and Wales and also holds most relevant convictions from Scotland. At present, any Northern Ireland convictions may not be reflected in Disclosure.

Disclosure is an impartial and confidential document that details an individual's criminal record and where appropriate, details of those who are banned from working with children. In due course, Disclosures will also contain details of those banned from working with vulnerable adults. The DBS has a responsibility to ensure that any information disclosed is accurate and relevant. They must establish an individual's identity beyond doubt and be sure that they are the person to whom the record refers. To do this, they need written consent from the individual which is incorporated into the Disclosure Application Form.

2. SCOPE OF POLICY

The policy will apply to those seeking paid or unpaid work with Aspects Care Ltd. It will also apply to contract and agency staff required to carry out work or students attending placements within Aspects Care Ltd.

Aspects Care is also an Umbrella Body to provide other organisations access to the information available from the Disclosure and Barring service. (DBS)

In addition, where there are reasonable grounds, Aspects Care Ltd may require existing employees to apply for an up to date criminal record disclosure.

3. PRINCIPLES

It is essential that all persons working for Aspects Care Ltd are trustworthy and reliable. Aspects Care Ltd has a duty to ensure that service users receive a good standard of care/support and to take all practicable steps to ensure the safety of service users and staff by undertaking through pre-employment checks. Aspects Care Ltd is committed to best practice in recruitment to ensure that all appointments are safe.

Registration with a professional body imposes a duty on health care professionals to provide a good standard of medical care for and behave appropriately towards service users.

DBS Disclosures will not be regarded as a substitute for any other pre-appointment checks, including taking up references and enquiring into to the person's previous employment history. Disclosures are complimentary to other existing recruitment practice and will only be sought after a candidate has been offered employment or a voluntary position with the Company.

People who have been convicted will be treated fairly and given every opportunity to establish their suitability for a post within the company guidelines. A criminal record will not necessarily stop an individual obtaining a post and the Company will not unfairly discriminate against the subject of disclosure information on the basis of conviction or other details revealed.

The HR department will discuss any matters revealed in Disclosure information with the person seeking the post before withdrawing an offer of employment.

Aspects Care Ltd will ensure that disclosures and the information they contain are available only to those who need to have access in the course of their duties.

Disclosures and the information that they contain will be securely stored and destroyed within the required time limits.

4. WHAT IS A CRIMINAL RECORD

A criminal record arises from a conviction in a court of law. There are also Police Records, Cautions, Reprimands and Warnings are issued by the Police as an alternative to prosecution, usually for less serious offences and usually after an offence is admitted.

Criminal records do not normally include speeding and other minor driving or traffic offences.

5. GENERAL

Due to nature of the service users supported by the Company, Aspects Care Ltd are entitled to ask applicant to disclose convictions that would otherwise be 'spent' under the provisions of the Rehabilitation of Offenders Act 1974. All eligible applicants to work in Aspects Care Ltd are required to disclose on their application forms whether they have any spent or unspent criminal convictions.

All applicants are also expected to inform Aspects Care Ltd if, before taking up any position offered to them, they are charged with a criminal offence in the UK or any other country. In order to assess job related risks Aspects Care Ltd also need to verify externally, by a DBS check, whether applicants who have been offered certain positions do have a criminal record in the UK or in another country.

When recruiting, Aspects Care Ltd will inform applicants if a DBS check will be required as part of the appointment process. This will enable applicants to decide whether they wish to apply for the position.

This check will disclose whether the individual has any spent or unspent convictions and whether they have been 'bound over', have received a police caution, warning or reprimand or have been charged with a criminal offence that is not yet disposed of. It will also reveal whether or an applicant is included on a Department for Education and Employment or Department of Health list of people considered unsuitable to work with children or vulnerable adults. The disclosure may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

As part of the appointment process, applicants undergoing a DBS check will also be asked to complete a pre-employment declaration.

Prior to making an appointment Aspects Care Ltd also need to establish if applicants for such positions have ever been qualified from the practice of a profession or required to practice it subject to specified limitations following fitness to practice proceedings by a regulatory body in the UK or in another country, and whether they are currently the subject of any investigation or proceedings by anybody having regulatory functions in relation to health/social care professions including such a regulatory body in another country. This is also reflected in the declaration.

Where such a position involves regular care, training, supervision or sole charge of persons aged under 18 or vulnerable adults (as defined by the Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) Regulations 2002), applicants will also be asked whether they are currently the subject of any police investigation in the UK or any other country of which they are aware.

Where the position is a 'regulated position' under the terms of the Protection of Children act 1999 (as amended by the Criminal Justice and Court Services Act 2000, checks will be carried out in accordance with the Protection of Children Act 1999. Anyone whose name is on the list is legally barred from working with children. It is a criminal offence for such a person to knowingly apply for, offer to accept or do such work. It is also an offence to employ such a person in a childcare position.

Aspects Care Ltd are an equal opportunities employer and all applications will be decided fairly and on merit. Information declared will be used to consider the applicant's suitability for the position will be treated in confidence and will not be used as the sole criteria to decide on applicant's fitness for the position.

Unless law prohibits on appointment, a criminal conviction will not automatically debar the applicant from appointment. Applicants will be given an opportunity to discuss any information supplied before a final decision is taken regarding their appointment. However, an applicant may not be selected if the HR department, after discussion with the registered care manager, considers that the information declared renders that person unsuitable for the position for which they have applied. In reaching such a decision the nature of the record/action, it's relevance to

the position applied for and any other information the applicant wishes to provide will be considered.

The information declared or disclosed by DBS will be treated in compliance with the Data Protection Act 2018.

Failure by an applicant to provide accurate and truthful information is considered to be a serious matter. Where it is found that a person has intentionally or recklessly provided inaccurate information or withheld information relevant to the position, this may disqualify them from appointment. It may also result in dismissal or disciplinary action and referral to the appropriate professional regulatory body.

6. LEVEL OF DISCLOSURE

To provide this service, the DBS will issue three levels of Disclosure each representing a different level of check. The three levels of Disclosure will be Enhanced, Standard and Basic.

Standard Disclosure

These are primarily for posts that involve working with children or include regular contact with vulnerable adults. Standard Disclosures may also be issued for people entering certain occupations that involve positions of authority within Aspects Care Ltd, such as members of the legal and accountancy professions.

The Standard Disclosure will contain details of all convictions held on the Police National Computer (PNC) including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings.

If a position involves working with children, the Disclosure will indicate whether information is held on government department lists held by the DoH and DfEE. In due course, Disclosure will also include information held by DoH of those considered unsuitable to work with vulnerable adults.

Enhanced Disclosures

These are for posts which involve a greater degree of contact with children or vulnerable adults.

In general the type of work might involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a nurse or social worker who cares for children or vulnerable adults.

Enhanced Disclosures are also issued for certain statutory licenses, such as gaming and lottery licenses.

This level of Disclosure involves an additional level of check to those carried out for the Standard Disclosure and includes any relevant information held on local police records. Standard and Enhanced Disclosure applications are made by a "registered body" and must be countersigned by an approved signatory on behalf of that organisation. A copy of the Disclosure document is sent to the individual.

Aspects Care is a Registered Body with the DBS. The Director of Care has overall responsibility for recruitment procedures. A number of Aspects Care staff are registered signatories for DBS Disclosures. They will countersign the candidate's application for a criminal records disclosure. All relevant Aspects Care staff have themselves have been subject to the disclosure procedure.

7. DBS PROCEDURE

Job packs sent out to prospective candidates will inform them whether a DBS check will be required and at what level. They will also be informed of relevant Company guidelines.

Candidates will be issued the disclosure application form at the time of an offer of employment being made.

The relevant declaration form will also be issued to all applicants at the time of an offer of employment.

New employees will not be allowed to work in Aspects Care until clearance has been received from the DBS. The Registered Care Manager may in exceptional circumstances authorise new employees to shadow experienced members of the team and work on a 2to1 project whilst waiting for their DBS to be received.

7.1 Re-use of Disclosures

Disclosures have no period of validity as they are only a declaration of criminal conviction status at the time of the check. As from 17th June 2013 disclosures presented by applicants from previous employers can be carried over. The Update Service keeps DBS Certificate up-to-date and allows applicants to take it with them from role to role, within the same workforce, where the same type and level of check is required. Once the DBS check has been completed, the results are available online for employers to confirm that no new information has been added since the check was originally conducted. This means that DBS checks are portable, and that an employee does not have to have a new check every time he or she starts a new job.

A copy of the original disclosure certificate must be seen to ensure the required level of check has been carried prior to commencing work.

7.2 Re-checking existing staff

Aspects Care Ltd will recheck all staff members every 3 years. This check will be carried out either by using the DBS Update Service or through the employee completing a new DBS application form. If the employee has not subscribed to the online DBS Update Service or the certificate held is no longer current, they will be required to complete a new DBS application form. The expense of the DBS check will be payable by the employee and will be deducted from their next four/eight weekly pay. Employees will be given the opportunity to meet the cost of the DBS through a direct cash payment if they do not wish for the cost to be deducted from their wages. If the employee has subscribed to the online DBS Update Service, their repeat

check will be carried out once Aspects Care Ltd Ltd has received their permission through the online check service. The expense of the online subscription to the Update Service will be met by the employee.

8. MONITORING

Implementation and monitoring of the procedure will be undertaken by the Director of Care

9. THE ROLE OF HUMAN RESOURCES

The role of HR is to ensure all parties adhere to the procedure and that it is fair and equitable. HR advice may be sought at any stage of the procedure.

10. POLICY REVIEW

This policy will be reviewed by the HR Manager annually.

11. POLICY DESTRUCTION

It is the responsibility of the Policy File Holder to ensure that when a new or revised policy is ratified and distributed, the old policy is removed from the policy file and destroyed, together with the old content / index listing.

12. STAFF WITH CRIMINAL CONVICTIONS

When staff are recruited references from the last two employers will be sought prior to the start date. These will consist of written references on Headed Paper and/or a reference form with the company stamp, which will then be verbally confirmed; the verbal should be dated and signed by the person obtaining the reference. The written references should contain the name of the person giving the reference, their position within the company and the date. If there are any breaks in periods of employment then candidates will be required to provide a detailed breakdown of how and where they spent the relevant time period.

Should applicants only have one previous employer, a character reference will be accepted from a person that has known the applicant for 5 years or more (a family member is not acceptable). Where only character references are being used because employment references cannot be obtained then three references are required.

A full DBS will be sought, if any convictions are not declared at interview the offer of a position will be withdrawn when the DBS is received.

Applicants with convictions will be risk assessed for suitability for the post taking into consideration the client's vulnerability and the type of offence that has been committed. If appointed the applicant will be risk assessed on a three monthly basis for a period of three years.

Should a post be offered to an applicant with convictions the company's policy and procedure should be implemented. The policy and procedure is:

1. The sole responsibility of employing an ex-offender with convictions registered on their DBS lies with the Registered Care Manager, or their designated nominee.
2. Any applicant that has convictions on their DBS and is employed by Aspects Care Ltd shall be risk assessed on their probability of re-offending.
3. The risk of re-offending will be managed with monitoring of the applicant over a three year period. The applicant will have yearly DBS checks completed for the first three years of employment, three monthly risk assessments, complimented with regular monthly supervisions and yearly PDR's. These will include specific covering of the staff member's current criminal conviction status and will be carried out by the Registered Care Manager or her designate. The expense of the online subscription to the Update Service will be met by the employee. The expense of the DBS check will be payable by the employee and will be deducted from their next four/eight weekly pay. Employees will be given the opportunity to meet the cost of the DBS through a direct cash payment if they do not wish for the cost to be deducted from their wages.
4. There will be weekly visits by Care Coordinator to the client(s) being support by the individuals with convictions registered on their DBS.
5. Staff members employed will have to sign to agree to the company's policy and procedures prior to commencing work.
6. New employees with convictions, where those convictions support it, shall be given abuse training prior to starting work with service users.
7. Applicants with criminal convictions that re-offend in any manner within the three year assessment period will be dismissed without notice. If ISA referral needs to be made it will be implemented with immediate effect. If further convictions are disclosed after the three year period then the Registered Care Manager will review the staff member and a decision will be made on their continued employment.

Handling of DBS certificate information Policy

General principles

Aspects Care Ltd uses the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust. Aspects Care Ltd 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 Data Protection Act 1998 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.

Storage and access

Certificate information should 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. 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 of all those 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. As we are registered and inspected by the Care Quality Commission (CQC), we may retain the certificate until the next inspection. Once the inspection has taken place the certificate are destroyed in accordance with the code of practice.

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.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. As we are registered and inspected by the Care

Quality Commission (CQC), we may retain the certificate until the next inspection. Once the inspection has taken place the certificate are destroyed in accordance with the code of practice. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

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.

Acting as an umbrella body

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the code of practice and in full accordance with this policy.

We will also ensure that anybody or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose