

DISCLOSURE AND BARRING POLICY

This policy is in respect of any employee (or agency staff) who is required to undertake work on any premises where it is a legal requirement, a condition of the contract or where the Company considers it to be appropriate, to seek a criminal records check. This is particularly important where there is a risk to children and vulnerable adults or where it is necessary to safeguard the Client's premises.

1. Purpose of the Policy

The Disclosure and Barring Service (DBS) is an executive agency of the Home Office set up to exercise the powers and fulfil the responsibilities of the Secretary of State under the Police Act (1997). The DBS offers access to police records and information in the form of a disclosure (at standard and enhanced levels) to enable organisations to make informed recruitment decisions.

The aim of this policy is to ensure that the Company is able to comply with its legal obligations and verify the integrity of employees who are required to work on premises where there is a risk to the Client's employees and the security of that premises (e.g. out of hours working)

2. Key Principles

- 2.1. All employees will be treated fairly and in accordance with the Code of Practice issued by the Disclosure and Barring Service;
- 2.2. Information received by the company will be retained in accordance with the principles of the Data protection Act 1998 and employee information will be treated with the utmost confidence;
- 2.3. Information received will be discussed with the employee or prospective employee prior to any recruitment or employment decisions being made.





3. Policy

- 3.1. This policy forms part of the Company's overall recruitment policy and covers the use of Disclosure and Barring Service (DBS) Disclosures for eligible positions, as determined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Police Act 1997, Safeguarding Vulnerable Groups Act (2006).
- 3.2. This policy covers all those who are employed by the Company or provide a service to the Company (e.g. Agency staff).
- 3.3. The level of Disclosure required for a particular position is indicated by legislation:
 - Any position will be eligible for the Basic Level check, undertaken by Disclosure Scotland for roles which are not exempt from the Rehabilitation of Offenders Act 1974 - this could include key holder positions.
 - To be eligible for a Standard level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.
 - To be eligible for an Enhanced DBS check, the position must be included in both the ROA Exceptions Order and in Police Act.
 - To be eligible for an Enhanced DBS check including a check of the Children's and/or Adults' Barred list, the position must additionally meet the definition of Regulated Activity with Children and/or Vulnerable Adults in the Safeguarding Vulnerable Groups Act 2006.
- 3.4. Area Managers are responsible for initiating a disclosure request with the Administration department at Hanworth.
- 3.5. Area Managers are also responsible for making sure the required identification documents produced in support of a DBS application are checked and recorded in line with the disclosure process.
- 3.6. At interview, or in a separate discussion, Area Managers will ensure 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 relevant information at interview which later comes to light through the DBS process, or any other intelligence, may lead to the withdrawal of an offer, compromise an individual's employment contract or lead to disciplinary action up to and including dismissal, depending on the circumstances.



- 3.7 Any offer of appointment is conditional upon receipt of a satisfactory DBS Disclosure where this is a condition of the position.
- 3.8 Where Agencies are contracted to supply workers with valid DBS Disclosure checks, it is the Area Manager's responsibility to ensure agency workers have a valid and current DBS check whilst working with vulnerable groups or in another eligible position.
- 3.9 Where an offence is committed after a DBS Disclosure has been completed the individual must advise their Line Manager accordingly. The Area Manager will decide whether the offence has any impact on the individual's ongoing employment or the type of work they are able to carry out.
- 3.10 If a subsequent DBS check reveals information that has not been disclosed, disciplinary action up to and including dismissal will be taken.
- 3.11 Employees will be subject to on-going checks based on a Client's time frame requirement.
- 3.12 Existing personnel in DBS-eligible positions who refuse or fail to correctly complete a check or re-check within the required timescales will be subject to disciplinary action up to and including dismissal.
- 3.13 Notification of disclosure results is received electronically. Only the applicant receives a printed copy of the disclosure certificate.
- In the case of clear disclosures, an automated email is received with the disclosure number and issue date.
 - In the case of a disclosure with content, the Administration department will require the employee to present their disclosure certificate to their Area Manager. Failure to present a disclosure certificate may result in disciplinary action up to and including dismissal.
- 3.14 Information provided to the Company by the DBS and / or individual will be reviewed in the strictest confidence and will only be passed to those entitled to receive the information, in line with the DBS Code of Practice.
- 3.15 A criminal record will not automatically bar the individual to work with children or vulnerable adults or to have secure access to a Client's premises, but the Company reserves the right to judge each case on its merits within the following parameters:



- Nature of offence(s) listed and / or police information disclosed
- Relevance to the post applied for
- Length of time elapsed since incident
- Whether the matters disclosed form any pattern
- The circumstances under which the offence was committed
- Changes in the applicant's personal circumstance
- Openness of declaration during the recruitment process
- View of the Client

3.16 The Company undertakes to discuss any matter revealed in a Disclosure with the applicant before making a decision.

4 Monitoring and Recording

- 4.1. The Company will undertake regular monitoring of the overall DBS process to ensure compliance with its responsibilities and to protect the integrity and security of the system and process.
- 4.2. The individual DBS process will be carefully monitored to ensure only appropriate posts are being checked and processed accurately and within agreed time scales.
- 4.3. Information provided by an applicant will be treated as strictly confidential and kept securely in line with the procedure and DBS Code of Practice.

5 Legislative framework

- Rehabilitation of Offenders Act 1974 (as amended)
- Police Act 1997 (as amended)
- Safeguarding Vulnerable Groups Act 2006 (as amended)

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