

CEREBRAL PALSY NORTH WEST FOOTBALL CLUB

Established 2018

DBS Policy
2023

INTRODUCTION

The Disclosure and Barring Service (DBS) is responsible for processing requests for criminal records checks as well as checking the DBS children's barred list and adults' barred list for eligible roles. The DBS also has responsibility for deciding if a person should be placed on or removed from a barred list for England, Wales and Northern Ireland.

This policy provides guidance to managers on how to manage the Disclosure and Barring Service (DBS) certificate process (to include employees and volunteers) to positions where they will typically have access to vulnerable groups.

CPNW has a duty of care to protect the wellbeing of the people we support; in particular those who are considered vulnerable or at risk, such as children and those with disabilities. We will take every step to ensure that our employees and volunteers who work with these vulnerable groups are suitable to undertake the work.

We require information primarily to allow us to perform contracts and to enable us to comply with legal obligations. We may use personal information to pursue legitimate interests.

This document should be read and applied in conjunction with the recruitment and selection and equalities policy.

CPNW will only apply for checks in respect of posts that are included in the Exceptions Order to the Rehabilitation of Offenders Act 1974. It may be an offence under section 123 (2) of the Police Act 1997 to apply for a check in respect of a post not covered by the Exceptions Order 1975.

LEGISLATION

This policy has been written with regard to the following legislation:

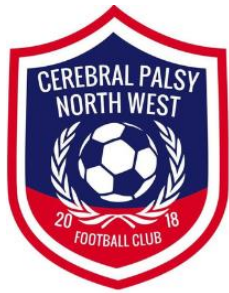
- The Protection of Freedoms Act 2012
- Human Rights Act 1998
- Data Protection Act 2018
- The Police Act 1997
- The Safeguarding Vulnerable Groups Act
- The DBS Code of Practice
- The Rehabilitation of Offenders Act 1974
- The Criminal Justice and Court Services Act 2000

DATA PROTECTION

CPNW will ensure that sensitive information is held securely and only seen by those entitled to see it in the course of their duties.

General Principles

As a club using the Disclosure & Barring Service (DBS) to help assess the suitability of applicants for positions of trust, CPNW will fully comply with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. We will also comply fully with our obligations under the Data Protection Act 2018 and other relevant legislation pertaining



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to the safe handling, use, storage, retention and disposal of certificate information. Copies of Disclosure and Barring Certificates will only be taken following receipt of the written permission from the applicant.

Storage and access

Copies of certificate information will never be kept on an applicant's personnel file and will always be kept separately and securely, in lockable, non-portable, storage containers. Where stored electronically this will be encrypted and restricted by password access. Access will be 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 authorized to receive it in the course of their duties. CPNW recognizes that 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.

Retention

Once a recruitment (or other relevant) decision has been made, CPNW does not keep a copy of the certificate for any longer than is absolutely necessary. Throughout this time, the conditions regarding appropriate safe storage and strictly controlled access will prevail.

Disposal

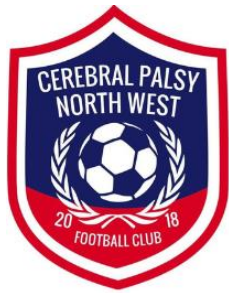
Once the retention period has elapsed, CPNW will ensure that the copy of the DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning in line with the Local Authority's disposal of confidential information practice. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). CPNW will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

Under section 124 of the Police Act 1997 it is a criminal offence to pass disclosure information about a spent conviction to anyone who is not entitled to receive it. Serious misuse of a person's criminal record could result in a prison sentence of up to six months or a fine up to £1,000, or both.

APPLICANTS WITH ADVERSE DISCLOSURES

As a club using the DBS to assess candidates' suitability for positions of trust, CPNW complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly. We will not discriminate unfairly against any subject of a DBS certificate on the basis of conviction or other information revealed.

CPNW is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex, sexual orientation or offending background.



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We actively promote 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. We select all personnel based on their values, skills, qualifications and experience.

A certificate is only requested for posts that are eligible as per the Exceptions Order of the Rehabilitations of Offenders Act 1974. For those positions where a certificate is required, all application forms, job adverts and recruitment briefs will contain a statement that a check will be requested in the event of the individual being offered the position.

If a Criminal Records check reveals details of convictions which may render an applicant unsuitable for the applied post, the appointing manager will discuss the situation with them.

When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues including any risks posed. Considerations should consider the following:

- The nature of the crime
- When it happened
- The circumstances involved
- The sentence
- Patterns of offending
- Efforts to avoid re-offending
- Job requirements
- Safeguards against offending at work

Having a conviction will not necessarily bar someone from employment with CPNW; we will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests must be weighed against the rights and interests of the people we support, employees and the public. Managers will not allow personal prejudices to 'cloud' their judgement and good practice.

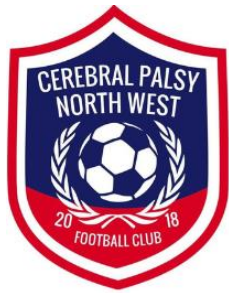
If the candidate has made a false declaration on their application form then CPNW will not be able to confirm the appointment. If the disclosure certificate contains information that was not revealed by the candidate or additional information from the Police is received, it will be necessary to hold a further discussion with the candidate and undertake a further review against any risks before deciding to confirm or withdraw the offer of employment. Legal advice should be sought at this point.

It is an offence for a barred person to work, apply to work or offered to work in Regulated Activity with a group they are barred from working with. Candidates on the Barred List will not be employed in Regulated Activity by CPNW. If the checks reveal that a candidate is on the Barred List for Regulated Activity,

CPNW will make a referral to DBS to notify them of the individuals attempt to apply for barred work.

RE-CHECKING EXISTING EMPLOYEE

It is CPNW policy to undertake DBS checks on employees who have previously undertaken a DBS application relevant to their current position on a **three-yearly basis**.



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Where existing employees who may not have been previously checked (due to working in a post which was not subject to a DBS application) or their post requires a re-check and subsequently have an adverse disclosure result, an interview will be arranged to discuss the nature of the criminal record. The positive DBS sign off sheet (appendix one) should be completed, and the contents discussed with a member of the CPNW HR Team. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups depending on the nature of the disclosures and pending the outcome of a full investigation. It may be that there are no suitable duties the employee could undertake during this period which do not bring them into contact with children/adults. If this is the case, a Director may consider suspending the employee on full pay pending the outcome of the investigation.

When completing the positive DBS sign off sheet it should be considered whether the conviction is relevant to the post and evidence of previous convictions should not be used to dismiss a person for poor job performance. The track record of the individual should be carefully assessed and if it is satisfactory, this should be considered positively. If the disclosure results are considered to be of a serious nature, a senior manager may consider various options, which include:

- Termination of employment
- Redeployment pending the availability of a suitable vacancy
- The introduction of safeguards.

Only after a full appraisal of the situation including the risks involved and other alternative employment options investigated should dismissal be considered and then only after advice from HR. If the senior manager decides to consider a termination of employment, then the employee must be informed in writing and a hearing held in line with CPNW Disciplinary Procedure.

If the disclosure results are considered not to be serious and do not impinge on an employee's ability to work in their existing role the line manager should inform the employee accordingly in writing.

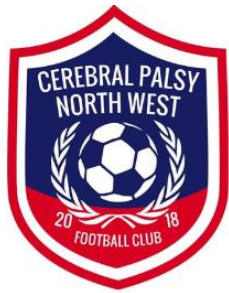
Existing employees who have not been subject to a DBS application may, as a result of changes in legislation, regulations or working practices, be required to undertake an application during their course of employment with CPNW. All employees will be expected to comply and any employee refusing to comply with the request for an application will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued and/or to comply with a contractual agreement, will lead to the employee being subject to a disciplinary investigation.

OVERSEAS CANDIDATES

All persons appointed to a post, or seeking to volunteer with children/and or vulnerable adults who have lived outside the United Kingdom must undergo a DBS check regardless of their length of stay in the UK. They will also be required to provide a Certificate of Good Conduct.

VOLUNTEERS AND STUDENTS

CPNW will ensure that DBS checks are applied for where relevant to area of work and duration of volunteering period. The DBS check will normally be free, however, not all people who work free of charge are classed as a volunteer with the DBS. To qualify for a free DBS check, the role must meet the DBS's definition of a volunteer which is 'a person who is engaged in any activity which involves



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spending time, unpaid (except for travelling and other approved out-of-pocket expenses) doing something which aims to benefit some third party other than, or in addition to, a close relative'.

PORTABILITY OF DBS CHECKS

CPNW will carry out their own DBS applications on any staff TUPE transferring into the organisation

DBS Adult first checks

A DBS Adult First Check can only be requested if the applicant's role or duties are involved in 'regulated activity' with vulnerable adults; if an individual will be working alongside children as well, then this check is not appropriate. The check can only be requested when an enhanced DBS check is being carried out. It cannot be carried out separately.

Depending on the result of the check, this service allows a candidate to start working under supervision whilst waiting for their DBS Certificate. Where this is the case the Adult First Check Risk Assessment must be followed and the Recruitment Sign Off Form must be completed and signed off.

A DBS Adult First check will only be used to assist CPNW in covering staff shortages.