



# Hart First Response

## Disclosure and Barring Service Policy

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### 1. Introduction

- 1.1. HFR is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Exceptions Order to the Rehabilitation of Offenders Act (1975). However, this duty must be carried out with due regard to all other relevant legislation including the Protection of Freedoms Act 2012, the Rehabilitation of Offenders Act (1974), the Data Protection Act (1998), the DBS Code of Practice and the Human Rights Act (1998).
- 1.2. HFR will conduct an Enhanced check for Regulated Activity for all new volunteers and undertakes to re-check existing volunteers every three years.

### 2. Framework

- 2.1. The Criminal Records Bureau (CRB) was set up under the Police Act 1997 and on 1st December 2012, the Criminal Records Bureau (CRB) merged with the Independent Safeguarding Authority (ISA) to become the Disclosure and Barring Service (DBS). The DBS is an Executive Non-Departmental Public Body sponsored by the Home Office.
- 2.2. With the merging of the CRB and ISA to form the DBS there has been a change in terminology which will now appear throughout this policy, these are:

Previous term	New term
Criminal Records Bureau (CRB), Independent Safeguarding Authority (ISA)	Disclosure & Barring Service (DBS)
Enhanced CRB check	Enhanced DBS check
Enhanced CRB check with Barred List Check	an Enhanced check for Regulated Activity
ISA Adult First	DBS Adult First
Vulnerable Adults	Vulnerable groups

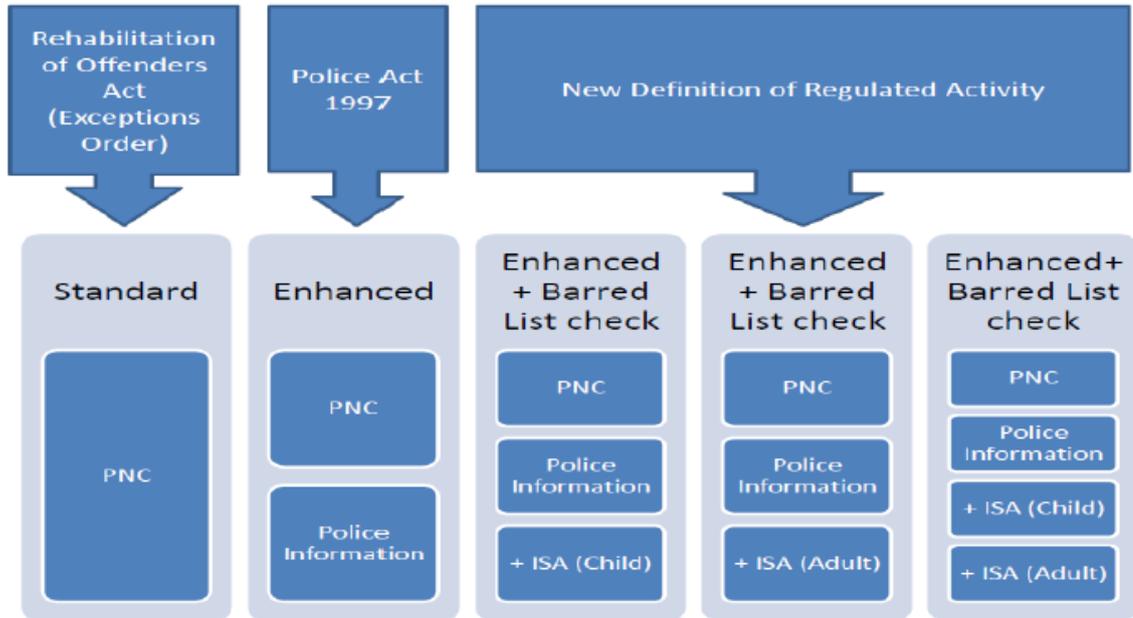
- 2.3. The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).
- 2.4. The Protection of Freedoms Act 2012 has resulted in a differentiation between those posts which can legally have an Enhanced DBS check and those posts which can also legally be checked against the Children or Adult Barred Lists (an Enhanced check for Regulated Activity). The definition of Regulated Activity has been changed from 10th September 2012.
- 2.5. The provision of health care by any health care professional to an adult, or the provision of health care to an adult under the direction or supervision of a health care professional, is regulated activity.



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- 2.6. First aid, when any person administering the first aid is doing so on behalf of an organisation established for the purpose of providing first aid is regulated activity.
- 2.7. The minimum age that someone can have a DBS check is now 16 years old.
- 2.8. The potential checks that can be requested are summarised below:



- 2.9. HFR will only ask for an Enhanced DBS check when it is not an offence under the Police Act 1997 to do so.
- 2.10. The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate. When a full gender recognition certificate has been issued, the person is legally considered to be of the acquired gender.
- 2.11. If the person is required to undergo a DBS check as part of the recruitment process they must disclose any previous names and/or gender to the DBS who have established a special application procedure/dedicated contact officer to maintain confidentiality (email: sensitive@dbs.gsi.gov.uk or telephone: 0151 6761452).
- 2.12. Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Police Authority, as a clear disclosure certificate is the ultimate result. However, if they did have convictions under their previous gender that were considered relevant to the post/position, then the individual's gender change would become evident through the provision of conviction information on the DBS disclosure certificate showing both gender names.
- 2.13. HFR has a legal obligation to refer someone to the DBS if they: removed their membership because they harmed a child or adult, removed them from working in regulated activity because they might have harmed a child or adult otherwise were planning to remove them for either of these reasons, but the person resigned first.

### 3. Disclosure Process

- 3.1. HFR will use an Enhanced check for Regulated Activity as one part of a range of safeguarding tools for assessing the suitability of both new volunteers and for the re-checking of existing volunteers. Other tools include thoroughly confirming identity, qualifications, taking up and verifying references and examining dates of employment histories on application forms.



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- 3.2. Applicants will be made aware that enhanced disclosures might include non-conviction information from local police records if the police 'reasonably believe' the information is relevant to the post in question.
- 3.3. We will make every subject of an Enhanced DBS check aware of the existence of the DBS Code of Practice <https://www.gov.uk/government/publications/dbs-code-of-practice>.
- 3.4. Hart First Response will use United Medicare Limited (UML) as a registered body for the submission of requests for Enhanced DBS checks.
- 3.5. All volunteers will be required to submit applications via UML for Enhanced Checks or provide access to a check using the DBS update service which is less than 3 years old.
  - 3.5.1. As required, the Chair or Hon. Sec will initiate a volunteer login for a DBS check following the procedures laid down by United Medicare Ltd.
    - x61 line 1 of the application must be completed with the text 'Child and Adult Workforce'. Use this for any position that involves working/volunteering with both children and adults.
    - x61, Line 2 should contain the position applied for, e.g. 'First Aider', 'Ambulance Crew', 'Paramedic' or 'Doctor' as appropriate.
  - 3.5.2. Volunteers enter their information using an online system following the instructions in Appendix A.
  - 3.5.3. The volunteer will provide copies and show originals of documents proving identity, as required by the DBS, to support the checking process.
  - 3.5.4. As of 17th June 2013 the DBS will no longer issue a copy of the applicant's DBS certificate to the Registered Body and hence they cannot provide that information to HFR.
  - 3.5.5. HFR will request the volunteer to provide a copy of their DBS certificate or provide details to allow the certificate to be viewed on-line using the DBS update service.
  - 3.5.6. A member of the HFR Exec will check any paper certificate for authenticity. Certificates have security features to prove they're genuine: a 'crown seal' watermark repeated down the right hand side, visible both on the surface and when holding it up to the light; a background design featuring the word 'Disclosure', which appears in a wave-like pattern across both sides of the certificate; the pattern's colour alternates between blue and green on the reverse of the certificate and ink and paper that change colour when wet
  - 3.5.7. The HFR database will be updated with a unique reference number relating to the check and the date of the check.
- 3.6. HFR will not allow a person to volunteer in Regulated Activity (post 10th September 2012 definition) with children if they have been barred through either the DBS Children Barred list or the DBS Adult Barred List. HFR would be breaking the law if we did so. Conversely if we receive an application from a person barred from working with children or adults they are breaking the law if they work/volunteer or seek to work/volunteer with these groups and we will report them to the relevant Authorities.
- 3.7. HFR will consider the recruitment of ex-offenders on a case by case basis as described in Section 4 of this policy.
- 3.8. Any information held with respect to DBS disclosures will be held in compliance with the HFR Data Protection Policy.

#### 4. Implementation: Fair use of Disclosure information

- 4.1. Recipients of Disclosure information shall:
  - 4.1.1. Observe guidance issued or supported by the DBS.
  - 4.1.2. Ensure that they do not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.



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- 4.2. HFR has a written policy on the recruitment of ex-offenders (see section 5), which will be made available to all applicants.
- 4.3. Ensure that application forms for positions where disclosures will be requested contain a statement that a disclosure will be requested in the event of a successful application, so that applicants are aware of the situation.
- 4.4. Include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will not be used unfairly;
- 4.5. Discuss any matters revealed in disclosure information with the person seeking the position before withdrawing an offer of membership.

### 5. Policy on the recruitment of ex-offenders

- 5.1. It is accepted that some applicants and existing members may have a criminal record, given that a large proportion of the population will be found guilty by the courts at some point in their lives. It is stated that, a third of all males have been convicted of a criminal offence by the age of 30, along with 8% of all females. However many people with records can be and are safely employed within the health and social care field.
- 5.2. People with criminal records applying to be a volunteer will be treated according to their merits and to any special criteria of the post.
- 5.3. Questions will be asked on the application form about criminal records in order to ensure that people with such records are not inadvertently placed in vulnerable positions within the organisation. Having a criminal record, in itself, will not necessarily prevent a person from being appointed to any post, unless the offence debars the person. Where it is felt, however, that a recent or serious offence might mean that a person presents a risk to children or vulnerable adults then that person will not be appointed. Discrimination either in favour of or against those persons currently members who have disclosed their criminal record is not permissible (unless the offence debars them), and such information is strictly confidential.
- 5.4. Applicants are required to complete a declaration of criminal record using the standard HFR application form. If on that application form the applicant reveals a serious criminal record, particularly if it is recent, then the HFR Exec. Com. will be consulted. Generally, a decision to reject an applicant because of, or partly because of, a criminal record will relate to an aspect of the person specification which is seen to be unmet. If possible, an applicant in those circumstances will be advised of why their application has had to be rejected.
- 5.5. In circumstances in which the appointment of a person with a serious record might give rise to criticism of the organisation, the HFR Exec. Com. will be consulted before the appointment is confirmed.

### 6. The relevance of criminal records is assessed as follows:

- 6.1. The suitability for employment as a volunteer of a person with a criminal record will vary, depending on the nature of the job and the details and circumstances of any convictions. Deciding on the relevance of convictions to specific posts is not an exact science. An assessment of an applicant's skills, experience and conviction circumstances should be weighed against the risk assessment criteria for the job. It should be remembered that employing people on the basis of information provided in an application form and a short interview, irrespective of whether they have a criminal record or not, is never risk free. HFR have identified what risks might be involved and have put documented operational procedures in place to provide additional safeguards.
- 6.2. Details of a person's criminal record will always be maintained as strictly confidential.



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### 7. Policy Consultation

- 7.1. This policy has been circulated to the HFR Executive for consultation.
- 7.2. The policy will be approved by the HFR Executive with future reviews and updates tabled for approval at Exec meetings.

### 8. Dissemination

Once the policy has been approved a summary of relevant changes (and a link) will be disseminated via email to the HFR volunteers, and a pdf copy placed by a member of the Exec on the member's section of the website: [www.hartfirstresponse.org.uk](http://www.hartfirstresponse.org.uk)

### 9. Monitoring of Compliance and Effectiveness

- 9.1. Monitoring of the policy will be the responsibility of the HFR Executive. This will be through incidents reported on the HFR database, and regular audits.
- 9.2. Actions and lessons learned from incident investigations will be monitored through the HFR Executive.
- 9.3. Where any omissions or deficits have been noted results and action plans will be monitored through the HFR Executive.
- 9.4. Lessons learned will be disseminated to the HFR volunteers through email briefings or via weekly training sessions.

### 10. Implementation

The HFR Executive are responsible for communicating this information to HFR volunteers and ensuring that the procedures are followed.

### 11. Archive Statement

The Honorary Secretary is responsible for archiving all previous versions and supporting evidence of approval for this policy.

### 12. References

- 12.1. Recruiting Safely (2001) ISBN 0 85069 176 1
- 12.2. Employing people with criminal records (2001) ISBN 0105453749
- 12.3. Code of Practice and Explanatory Guide for Registered Persons and other recipients of Disclosure Information (2002) CRB
- 12.4. Employing people with conviction (2001)
- 12.5. DBS Code of Practice
- 12.6. HFR Data protection policy
- 12.7. Candidate user guide.doc, United Medicare Ltd, 13/08/2012
- 12.8. Client User Guide for clients already set up Complete.doc, United Medicare Ltd, 13/08/2012
- 12.9. Disclosure and Barring Service Policy, Lincolnshire County Council, December 2012. <http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual/recruitment-selection-and-induction/disclosure-and-barring-service-%28dbs%29-policy-and-procedures/114222.article>



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### 13. Relevant Acts

- 13.1. The Rehabilitation of Offenders Act 1974
- 13.2. Exceptions Order to the Rehabilitation of Offenders Act 1975
- 13.3. Police Act 1997
- 13.4. Data Protection Act 1998
- 13.5. Human Rights Act 1998
- 13.6. Protection of Children Act 1999
- 13.7. Criminal Justice and Court Services Act 2000
- 13.8. Gender Recognition Act 2004
- 13.9. Safeguarding Vulnerable Groups Act 2006
- 13.10. Protection of Freedoms Act 2012



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### Appendix A: Volunteer Guide to On-line DBS Check Process

#### Getting Started

To complete this part of your online DBS you will need to have your login credentials. These will have been emailed directly to your email address. An online application can be completed by accessing the internet from any PC/Laptop providing that it has internet explorer. If you don't own your own computer you can go to any internet café or local library.

Below are a few points you will need to look at before starting so that you are aware of any possible reason why you may not be able to progress with your online application:

1. Please ensure that all pop ups are unblocked to allow you to access them.
2. You must ensure that you have internet explorer to be able to access the eCRB system.
3. Due to the sensitive nature of the information and security the time out on eCRB is 5 minutes.
4. Please ensure that all pop up boxes are closed once finished with. If you do not close them once you have finished with them this may interfere with other pop up boxes that you may need further on in the process.
5. From the date that you initially start your application you will have a time limit of 30 days to complete your application, or your application will be withdrawn and you will need to start the process from the beginning.

#### Logging into URCB

Firstly when a candidate has everything they need to start you should click on this link below which would be available on the UCRB website at the touch of a dropdown button in the home page, or click on this link below:

<https://candidate.crblive.co.uk>

Once you have clicked on the link you will be taken to the screen below where you will be required to enter the login credentials that you were given, or that were emailed to you.

The application form is a simple 5 step process.

You will now need to start entering you personal details. Mandatory fields are denoted by (\*) and they are compulsory.

#### Step 1: Personal Details



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On this page you will be required to enter all personal details starting with your title that will be picked from a drop down list.

You will then be required to enter both your forename and surname ensuring the spelling is accurate. You will then need to enter any middle names you may have.

**IT IS VERY IMPORTANT THAT YOU INCLUDE MIDDLE NAMES IF HAVE ANY AS IT CAN CAUSE A DELAY ON YOUR FORM IF IT HAS NOT BEEN ENTERED AT THIS POINT.**

You will then need to enter your gender from a drop down box, followed by your language preference and the last bit which is your National Insurance number (which is optional).

You must ensure that when completing this section you do not enter alphabets instead of numbers and vice versa. Doing this will result in an error message being shown like in the picture below:

Any other error that occurs while completing this section will also throw up error messages, detailing exactly what the error is so that you can go back and amend it.

Once you have completed this section correctly you will need to click **Next**.

### Step 2: Current Address Details

Here you will be required to complete your current address details. Similar to the personal details each field will only accept certain punctuation, numbers and alphabets. If you do enter any of these into a wrong field, the system will automatically generate an error message that will pop up on your screen.

If the system detects more errors after you have corrected the first one, it will automatically keep popping up more error messages until you have completed everything correctly.

### Step 3: Address History



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Once you have clicked next you will be taken to the screen below. This is now showing you the address that you entered on the previous screen. In this section you must have a 5 year address history, and the system will not let you move to the next step unless you have entered this in.

**If you have been living in your current address for more than 5 years this section will NOT apply to you and you can click next**

Please make sure that the month and year of each address follows that of the previous address, e.g. if you moved house in August 2008 ensure that this date is repeated as your last date at your previous address and also the first date that you moved into your new address.

If you have not lived in your current address for more than 5 years and try to click next, the system will not allow you to move on with your application.

S.No	Address	From	To	Edit	Delete
0	23 Pickford Road Bexleyheath Kent DA7 4AT United Kingdom	Aug 2008			

Once you have clicked on this you will be taken to the page below where you will need to enter in the address prior to your current address.

**YOU MUST ENSURE THAT ALL DATES MUST COINCIDE WITH NO GAPS AND ALL ADDRESSES MUST CONTAIN A POSTCODE. IF YOU ARE UNABLE TO REMEMBER THE POSTCODE PLEASE USE THE ROYAL MAIL POSTCODE FINDER**

[http://track.royalmail.com/portal/rm/postcodefinder?catId=400145&pageId=pcaf\\_pc\\_search&gear=postcode](http://track.royalmail.com/portal/rm/postcodefinder?catId=400145&pageId=pcaf_pc_search&gear=postcode)

If the second address you add does still not make a 5 year address history you will need to repeat the process until you do have a complete 5 year history with no gaps. Once you are happy that there is a 5 years address history you can click next. If it is still not a 5 year address history the system will send another pop up error message and it will not let you proceed until the address history is complete. If it is error free you will be able to continue onto the next step.



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### Step 4: Additional Applicant Details - Part One

You are now on stage 4 of 5 of you application. In this section you need to complete details about any previous surnames that you may have had, and similar to the address history there should be no gaps or overlaps.

**IF YOU HAVE NEVER CHANGED ANY OF YOUR NAMES LEAVE THIS SECTION AS IT IS NOT MANDATORY AND CONTINUE.**

If you have changed your names since birth you will need to enter them here. Once you have entered the previous surname you used you then have the facility to add another name. to do this you must click 'add other surname

If you have changed your forenames you will also need to enter this in the same way as you entered a previous surname. Ensure that you include forename and middle name(s). Once you have completed this click 'next'.

### Step 5: Additional Applicant Details - Part Two

In this section not all of the fields are mandatory but it will help if you completed all that is required. In this section, similar to other sections, you will be presented with an error message should you enter a wrong character that that particular field will not accept.

When completing this section you must answer the question Do you have any unspent convictions? this question is Mandatory.



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If you have never committed a criminal offence then please select 'no' from the drop down. If you have an 'unspent' conviction then please select 'yes'. An 'unspent' conviction is any conviction that is still held on your criminal record.

Once you have finished all 5 steps you will see your application in full, section by section from step 1 to 5. When you get to this stage you should now read through the information that you have entered to ensure that all the information you have entered is correct. If you see any part of the application where an error may have occurred, you are able to go back and edit this using the 'Edit' button at the side of the section you wish to amend.

If you do decide that you want to edit some information, when you click on edit in the relevant section it will take you directly to that section. Once you have amended what you needed to it will then run through all of the 5 steps, should you wish to change that data in more than one section.

Once you are happy that the data is correct you will need to read through the paragraph at the end which is on the screen below:

Once you have submitted your application you will see the short message below. Your application is now with HFR and you will need to make a note of your RB reference number.



If you have any problems completing your online application please do not hesitate to contact us.