

DISCLOSURE AND BARRING SERVICE CHECKS POLICY AND PROCEDURE

Date Reviewed	Nov 2025	Next Review Date	Nov 2028
Consultation	Safety Panel	Reviewed By	Director of People & Culture
EIA	Complete	Responsible Officer	Director of People and Culture
DPIA	Complete	Approval By	Executive Team

1 Purpose

Due to the nature of Black Country Housing Group's work with vulnerable adults, young people and children we will complete Disclosure and Barring Service (formerly CRB) checks at a standard and enhanced level for applicable staff and volunteers.

The purpose of this policy is to inform individuals of the requirements upon them and to give guidance on how the information contained within a DBS is to be sought and used by Black Country Housing Group.

2 Scope

This policy applies to all staff, volunteers and applicants for employment/volunteering opportunity who work in a position of trust and/or where the post requires contact with the vulnerable people.

BCHG or 'The Group' is used throughout this Procedure and refers to all departments and companies of BCHG including but not limited to Black Country Care and Black Country Homeforce.

3 Related Policy/Procedures

- Safeguarding Policy
- Recruitment & Selection Policy and Procedure
- Data Protection Policy

4 Responsibilities

- Responsibility for approval designation of the policy – Executive Team
- Overall responsibility for the implementation of the policy - Human Resources
- Ownership for updating and reviewing the policy – Safety Panel

5 The Procedure

5.1 Levels of Disclosure

There are two levels of disclosure which are applicable to staff members.

Standard Disclosure

A standard disclosure is applicable for:

- colleagues who are in regular contact with clients who may be adults or children but do not work in a healthcare role (e.g., Customer Relations Managers).
- colleagues who spend time in care and support related settings, such as HR
- colleagues who work in the Finance team and have access to finance related customer data

A standard disclosure details an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes both 'spent' and 'unspent' convictions

Enhanced Disclosure

Due to the close proximity and greater degree of contact with vulnerable adults all staff that participate in a regulated activity (care and support services) are required to undergo an Enhanced Disclosure. An Enhanced Disclosure will include: -

- Convictions, Cautions, Reprimands and Warnings held in England and Wales on the Police National Computer. Relevant convictions in Scotland and Northern Ireland may also be included
- Information held on the Adult and/or Child Barred List (where appropriate).

5.2 Purpose of DBS Checks

DBS checks are used to assess any applicant, employee or volunteer's suitability for a post or position within The Group. DBS checks also ensure that they do not have a history that would make them unsuitable or put the vulnerable adults and/or young people that use our services at risk.

DBS checks are not only good practice within our sector but also a requirement of the Group's regulators and funders. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (schedule 4) stipulate that anyone employed to work in care should be of good character.

A check on the Adult and/or Child Barred List is compulsory for all individuals in regulated activity. It is illegal for the Group to employ someone in these activities without a satisfactory check. It is illegal for the Group to knowingly employ an individual in a relevant regulated activity who is registered on these lists.

5.3 When DBS Checks Need Completing:

On Selection

Before a post is created an assessment will be made as to the nature of the work and level of contact with the relevant group/regulated activity and a decision made as to whether a DBS check and an Adult and /or Child Barring lists checks is applicable for the post. Candidates will be notified at recruitment of the requirement and post holders will be notified through this policy of the requirement to periodically renew DBS checks and the appropriate Barring list check.

If you are selected for a position within the Group, you will be issued with a provisional offer, that offer will be dependent on a satisfactory DBS and/or Barring List check being completed. Selected applicants will then be required to complete a DBS application form through our DBS online portal.

If the applicant has a portable DBS, they will be subscribed to the DBS update service. The information on the Update Service Portal will be used to determine the applicant's suitability for the position. If an applicant is not on the update service but has had a DBS check completed within 4 weeks of their offer, we accept this certificate and do not complete our own check.

The Group will not receive a copy of the DBS check direct from the Disclosure and Barring Service but can view a summary report on the DBS portal. Should there be a disclosure listed, applicants must provide a member of the Human Resources Department with their original DBS certificate. Details of the DBS certificate will be taken and data stored on People Hub, although a copy of the certificate will not be taken. This information will be used to determine the applicant's suitability for the position.

People in Barred Lists are prohibited by law from taking positions that involve working closely with children or vulnerable adults. It is, therefore, illegal for an employer to recruit such persons to work in regulated activities. If there are criminal offences listed on your DBS certificate, you must present this to BCHG, and an assessment of risk will be undertaken before a final decision on your suitability for employment is made.

Should the service manager choose to proceed with the appointment a risk assessment must be completed and approved by the Head of Service and Director of People.

If an employee is not subscribed to the update service and their DBS check has expired, they may be suspended from work until the check has been completed. This will be avoided where possible but may be necessary depending on the role they undertake.

5.4 DBS Update Service

All new applications for DBS checks will be required to be automatically subscribed to the DBS Update Service. This service is to enable current and prospective employers to receive timely information on the criminal record and status of the individual and remove administrative barriers.

The Group will be responsible for managing and updating the renewal of DBS's through the update service and will fund the costs of the subscription.

Should an employee fail to respond to requests for a DBS check in a timely manner (30 days), thereby causing their subscription to the DBS Update Service to lapse the employee shall be liable to the cost of re-subscription.

Failure on behalf of an employee or volunteer to provide the required documents for a DBS check may be considered as a failure to comply with a reasonable request related to employment and may result in the employee's suitability being brought into question. Action may be taken in line with the Group's Disciplinary Procedure and if applicable dealt with under the Group's Safeguarding Procedure.

Consent

The Group will always seek the consent of the employee and/or volunteer when accessing DBS records. Applicants have the right to not to give consent or rescind consent. Should the employee withhold or withdraw consent or fail to fulfil their duty to provide evidence of their identity it may be considered as a failure to comply with a reasonable request related to employment. Action may be taken in line with the Group's Disciplinary Procedure and if applicable dealt with under the Group's Safeguarding Procedure.

Information During Employment

Employees and volunteers have a duty to keep the Group informed of any changes to their situation or circumstances which may affect their employment within the Group. This includes

- notifying the Group of any criminal convictions or cautions received since the most recent DBS Check
- any allegations made against the employee or volunteer which if sustained could have relevance to their position of trust in respect for the care and safety of children, young people and vulnerable adults.

Failure to disclose any relevant information may result in action being taken in line with the Group's Disciplinary Procedures. Any information will be shared with the Independent Safeguarding Authority (ISA) in line with its duties under the Safeguarding Vulnerable Groups Act 2006.

If when annually checking your DBS status if a conviction or caution is live, you will be required to attend a risk assessment interview to discuss the conviction or caution with your line manager. The decision will then be made on if the groups disciplinary procedure should be followed.

Recovery for the cost of the DBS check will be sought if employment is terminated by means of resignation during six months from the start date or termination through the Group's disciplinary/capability procedure.

5.5 Casual Staff and Volunteers

Casual staff and volunteers will be required to adhere to the same process prior to any engagement in work related activity for the Group. In some cases, BCHG may look to recover the cost of the DBS for casual workers if they persistently refuse to pick up shifts for example.

Where managers are required to undertake the use of an agency worker, it is the managers responsibility to ensure that the providing agency make sure the necessary DBS checks are in place.

5.6 Handling, Access, Storage and Disposal of DBS Data

The Group complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure Information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information.

DBS information is kept under password protection in the secure HR electronic filing system with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Once a DBS has been checked and any relevant decision has been made certificate information is kept securely on People Hub with access strictly controlled and limited to those who are entitled to see it as part of their duties.

This information is kept by Human Resources and may be disclosed to relevant bodies for audit and inspection purposes i.e., CQC: -

- Date of issue
- Name of the Applicant
- Date of birth of Applicant
- Certificate number
- Type of Disclosure i.e. Enhanced
- Position of the Applicant
- DBS Update Service subscription number
- Details of the recruitment decision taken
- Consent form

Criminal offence data is extended extra protection under the UK GDPR and the data we process in relation to DBS checks is permitted under conditions set out in Schedule 1 of the Data Protection Act 2018 paragraph 1. Employment, social security and social protection; and paragraph 2. Health or social care purposes. As such DBS related data is shared in very limited circumstances. The data provided on the DBS application form is shared with Zinc, our DBS provider for the purposes of processing the DBS check request. The DBS certificate is viewed only by the HR team and is retained in an access controlled electronic file as described above for a maximum of six months unless required for audit or inspection. The information listed above, or information related to section 5.9 of this Policy, will only be shared with the statutory body where a lawful basis has been established through legislative or regulatory requirements.

5.7 Considering Information on the Disclosure

Having a caution or conviction will not necessarily prevent you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

When completing your pre-employment check you are required to disclose any conviction or cautions. If you have disclosed a conviction or caution you will be invited to a positive DBS risk assessment interview with the department manager and a People Business Partner.

At the interview you will be asked to share information regarding the conviction or caution declared. You will be expected to bring in the DBS certificate. All information shared will be considered and the Head of Service will make the final decision on your offer of employment.

The Group must make it clear that as the nature of the Group's work brings its workers into contact with children, young people and/or vulnerable adults a criminal record or other information which makes the application, employee or volunteer unacceptable for a position of trust may render the applicant unsuitable.

5.8 Overseas Checks

DBS checks may list convictions of UK residents convicted overseas but they will not detail convictions of non-UK nationals convicted overseas.

If applicants have lived outside the UK for 12 months in the last 10 years and they were aged 18 or over, they will be required to supply a police check from the country they have lived in or a certificate of good conduct.

5.9 Referral to DBS

As per government guidance, referrals should be made to DBS when an employer or organisation believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children. Employee's will be notified by BCHG if it is deemed appropriate for a referral to be made regarding their conduct or behaviour.

6. Requirements of the Procedure

DBS checks/updates must be sought, processed and handled in line with this policy. Any recruitment decision or decision regarding an individual's placement or employment as a result of a DBS check must be made in line with this policy

Employees who are required to possess a current DBS check must be aware of the policy, the requirements it places on them and the ramifications for failing to adhere to them.

7. Data Processing

Personal Data: BCHG processes identity information, employment details and criminal-offence data strictly for assessing suitability for roles involving vulnerable groups. Processing is based on legal obligation, safeguarding requirements and conditions for employment and social-protection purposes. DBS data is retained only as long as necessary

Data Protection: DBS information is stored securely with restricted access, encrypted systems and audit controls, in line with DBS handling guidance and the Data Protection Act 2018. Access to data is strictly limited to authorised colleagues.

Data Integrity: Key information assets (identity data, eligibility decisions, DBS status and risk-assessment outcomes) are maintained in an accurate and consistent manner through standardised forms, controlled updates and periodic audit checks. Recruitment forms are regularly updated to reflect current DBS filtering rules to avoid collecting unnecessary or protected information

7.1 Legal and Regulatory Considerations

This policy is governed by UK GDPR, the Data Protection Act 2018 (including Schedule 1 conditions), the DBS Code of Practice, CQC Regulation 19 and the Safeguarding Vulnerable Groups Act 2006. Changes to any of these frameworks, including DBS filtering updates or safeguarding guidance, will trigger a review of this policy.

7.2 Equality Diversity & Inclusion

DBS checks are role-justified, proportionate and compliant with updated filtering rules to avoid discrimination. Adjustments, fair assessment of disclosed information and consistent decision-making processes are applied to minimise bias and ensure equal treatment.

8. Compliance, Monitoring & Reporting

Misuse of personal or criminal-offence data could lead to harm, discrimination or loss of trust for individuals, and regulatory or legal consequences for BCHG. Non-compliance, such as incorrect handling of DBS data or employing someone unsuitable, may result in disciplinary action, regulatory findings or mandatory referrals to the DBS. Compliance is monitored through regular HR audits, access reviews and reporting to the Executive Team and relevant regulators (e.g., CQC and DBS).