



Title of Policy:	Section:
Disclosure and Barring	Human Resources

Purpose

To outline the key tasks and responsibilities of Bespoke Guardians to ensure that those persons considered unsuitable (or barred) to perform roles within the Company are not recruited.

Statement

Bespoke Guardians is responsible for the care, support and safeguarding of some of the most vulnerable people in society.

This responsibility is undertaken through its workforce of devoted and dedicated individuals who show the qualities of care and compassion. Our ability to feel confident that our employees possess these, and other important qualities, is because we take our recruitment seriously. This includes exercising sound judgement and undertaking checking procedures available to and required of us, such as taking up references, confirming qualifications and experience, and ensuring that no individual offered employment with us has either a criminal record which is serious enough for us to withdraw or is someone who is on a list of individuals who are barred from working with vulnerable children, and whose employment would be illegal. Criminal record checks, together with checks on barred lists, are made through the Disclosure and Barring Service (DBS). We will make relevant DBS checks on all prospective employees occupying qualifying positions. If an employee is referred to DBS and placed on a barring list, his/her employment will be terminated.

Procedure and Guidance

DBS Checks

There are 3 types of check:

Standard - The standard check is available for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.

Enhanced - The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licences. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.

Enhanced with list checks - The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act



1997 (Criminal Records) regulations, for example, prospective adoptive parents and taxi and Private Hire Vehicle (PHV) licences. An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists. (The numbers of people on barred lists is significant, with nearly 53,000 people on the lists as at May 2017).

Applying for a DBS Check

The majority of people employed by Bespoke Guardians work in positions and undertake duties where it is a legal obligation to obtain satisfactory DBS clearance, before starting work. Again, in the majority of cases the positions within the Company are exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

As such, all applicants for employment will be asked to provide information, as part of the application process, on either:

- a) any previous convictions, including those which are "spent" (i.e., the position applied for is exempt from the Regulations), or
- b) any previous convictions which are not spent (i.e., the position is not exempt from the Regulations, and spent convictions need not be declared).

Applicants will also be made aware that we will be applying for a DBS check, and at what level. The Company has produced a written policy on the recruitment of ex-offenders which is either provided on demand or as part of the recruitment process.

Registering with the DBS

Bespoke Guardians will use the services of an Umbrella Body. We will ensure close and effective liaison between the Applicant, the Umbrella Body and the Company in order that checks can be undertaken within the shortest timeframes.

Receipt of DBS checks

It is to be expected that DBS checks confirm information already provided by the Applicant, and no new additional information is obtained. In such cases we will normally proceed to confirm the satisfactory appointment of the Applicant, provided that any other conditions (medical clearance, satisfactory references etc.) have been met. However, should the DBS check reveal additional information, of which we were not aware, we will seek to discuss the matter, and its concerns, at the earliest opportunity. As the great majority of employment offers are conditional upon satisfactory DBS checks, then offers may be withdrawn, with explanation, in certain circumstances.

Applicants from Overseas

We recognise it is equally important to confirm that Applicants from overseas satisfy our recruitment conditions as those from within the United Kingdom. Although there is no means by which we can verify, within the UK, that an Applicant does not have a record of criminal behaviour, there is still some scope for undertaking checks. The Home Office has provided guidance on the application process for criminal records checks overseas. This guidance will be consulted, as required, and shared with Applicants from overseas.

Update Service



The DBS has instigated what it calls its “Update Service”. Prospective employees of Bespoke Guardians, who are already in possession of a DBS check certificate, can elect to join the update service on a personal level. This will allow an Applicant to be able to take their DBS certificate from one job to the next, unless:

- The Company asks the Applicant to get a new certificate.
- The Applicant needs a certificate for a different type of ‘workforce’ (for example, you have an ‘adult workforce’ certificate and need a ‘child workforce’ certificate).
- The Applicant needs a different level certificate (for example, s/he has a standard DBS certificate and needs an enhanced one).

Once an individual has registered, they can use the update service to:

- add or remove a certificate.
- give employers permission to check if anything’s changed on their certificate.
- see who’s checked if anything’s changed on their certificate.
- view their details.

Bespoke Guardians will take advantage of the Update Service provided that it satisfies its requirements, i.e., the certificate is up to date, has been verified and provides no reason not to employ the Applicant.

Barring

The barred lists maintained by the DBS are essential safeguards against people being involved in the care of adults and/or children if prior conduct has deemed them to be unfit to do so. Bespoke Guardians has a legal obligation to refer its employees to the DBS, for possible inclusion on the barred lists, in the following circumstances:

Condition 1

- We withdraw permission for a person to engage in regulated activity with children, or the person is moved to another area of work that isn’t regulated activity.
- This includes situations when we would have taken the above action, but the person was re-deployed, resigned, retired, or left.

Condition 2

You think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm
or
- satisfied the harm test in relation to children and / or vulnerable adults. e.g., there has been no relevant conduct but a risk of harm to a child or vulnerable still exists; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

In all cases the Company will consult with appropriate bodies, e.g. the DBS, in order to ensure that correct decisions are taken, and proper procedures are followed at all times. **“Relevant conduct” is defined** on the DBS website, and includes, **for Children:**



- endangers a child or is likely to endanger a child.
- if repeated against or in relation to a child would endanger the child or be likely to endanger the child.
- involves sexual material relating to children (including possession of such material);
- involves sexually explicit images depicting violence against human beings (including possession of such images).
- is of a sexual nature involving a child.

A person's conduct endangers a child if they:

- harm a child.
- cause a child to be harmed.
- put a child at risk of harm.
- attempt to harm a child.
- incite another to harm a child.

A form for making a referral to the DBS is available from their website, together with detailed additional notes.

The Company understands that it is an offence not to refer an individual to the DBS when circumstances dictate that this course of action should be followed.

DBS renewals

Employees with a clear DBS and Barring check will need to have a new DBS check every 3 years, unless their circumstances change which may result in an entry on their record. Employees are asked to confirm if there are any changes at each supervision. We may use the update service to perform this check, or request a new check if required.

Employees with an entry on their DBS and Barring check will need to have a new DBS check every year. As long as we hold a copy of the original certificate we may use the update service to perform this check, or request a new check if required.

Policy Reviewed on Date of Implementation by the Following Company Officer:

Full name:

Robert Firmin

Job Title:

Managing Director



Signature:

R. Firmin

Reviewed by Lisa Fife, 15th February 2024
General review

Review by Lisa Fife, 23rd April 2024 – addition of details of re-checking and renewals.
Next review due 23rd April 2025.