

## **Personnel Committee – 7 December 2016**

### **Disclosure & Barring Service Procedure**

#### **1. Summary of report**

To request Personnel Committee approval for the new Disclosure and Barring Service Procedure (Appendix 1).

#### **2. Recommendations**

Personnel Committee is recommended to:-

- Agree the attached Disclosure and Barring Service Procedure to take immediate effect.

#### **3. Background**

The new Disclosure and Barring Service Procedure sets out the council's approach to using Disclosure and Barring Service (DBS) Checks and implications arising from their use for employees and workers. The procedure relates to checks carried out upon recruitment and during the life time of employment or placement, and applies to all positions within the Council (excluding schools), whether paid or unpaid.

As a Registered Body, the Council is required to have a written procedure on the use of DBS checks and the handling of Disclosures and Disclosure Information, in accordance with the DBS Code of Practice.

The Disclosure and Barring Service procedure includes the following provisions:-

- Background and legal context to DBS checks
- Definition of 'Regulated Activity'
- Establishing DBS requirements for a new post
- Recruitment and the DBS process
- Dealing with candidates or employees with pre-existing checks (online checking service)
- Checks for candidates who have lived or worked abroad
- Dealing with positive disclosures & the Safer Recruitment Panel Process
- Re-checks during employment
- Referrals to the Disclosure and Barring Service
- DBS checks for workers (agency/contractors) who are non-council employees
- Raising complaints on the DBS process

#### **4. Resource and Legal Considerations**

There are no financial implications arising out of this report. The cost of each DBS check is funded from existing service budgets. There is no intention at this time to change the frequency of DBS re-checks from being five yearly.

The Council must have in place a Disclosure and Barring Service procedure which must be legally compliant with Rehabilitation of Offenders Act 1974 and the Protection of Freedom Act 2012. The Council can only make checks in relation to certain posts which are clearly set out in the Acts.

#### **5. Citizen Impact**

The procedure ensures that safer recruitment decisions are made preventing unsuitable people from working or volunteering with children and vulnerable adults.

In addition, the procedure ensure that citizens who have a criminal record are not discriminated unfairly because of a conviction when applying to work for (or to volunteer with) the Council.

#### **6. Performance and Risk Management issues**

No risk management implications arising out of this report.

#### **7. Equality Implications**

An Equality Impact Assessment is attached (Appendix 2).

#### **8. Consultation**

The procedure has been consulted upon with senior managers across the Council, officers with lead responsibility for safeguarding and recognised Trade Unions between 26 October and 9 November 2016.

CMT reviewed the procedure on 17 November 2016 for subsequent Personnel Committee approval.

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# Disclosure and Barring Service (DBS) Procedure



**Walsall** Council

## Version Control

Document title	Disclosure and Barring Service (DBS) Procedure		
Owner	Human Resources Strategic Services		
Status	Draft	Version	1.0
Effective from	TBC	Approved on	TBC
Last updated	11/11/16	Last updated by	HR Strategy and Planning
Purpose	<p>The purpose of this procedure is to set out the Council's approach to using Disclosure and Barring Service (DBS) Checks and implications arising from their use for employees and workers.</p> <p>The procedure relates to checks carried out upon recruitment and during the life time of employment or placement.</p>		

This procedure links to:

- Recruitment and Selection Procedure

This list is not exhaustive.

For advice and guidance on this procedure, or if you would like this information in another language or format please contact:

The Recruitment Team on

Telephone 01922 655673 or 655667

Email [recruitment@walsall.gov.uk](mailto:recruitment@walsall.gov.uk)

Or

HR Operational Services Team on

Telephone 01922 655656

Text phone 01922 654000

Email [HRDOperationalServices@walsall.gov.uk](mailto:HRDOperationalServices@walsall.gov.uk)

**CONTENTS**

<b>Section</b>	<b>Contents</b>	<b>Page</b>
1.	Purpose and Scope.....	4
2.	Introduction.....	4
3.	Procedure.....	6
4.	Recruitment & DBS Checks.....	7
5.	Appointment.....	9
6.	Checks during employment.....	11
7.	Referral to the Disclosure and Barring Service.....	12
8.	Non-council employees.....	13
9.	Complaints.....	13

**Appendices**

1 – Definition of Regulated Activity

## **1 PURPOSE AND SCOPE**

The purpose of this procedure is to set out the Council's approach to using Disclosure and Barring Service (DBS) checks and implications arising from their use for employees and workers. This procedure relates to checks carried out for the purposes of recruitment, employment, work placements, volunteering and in relation to the election or re-election of councilors (elected members).

This procedure applies to all positions within the Council (excluding schools), whether paid or unpaid, permanent, temporary, casual, supply or volunteer. In addition, this procedure applies to certain other types of work such as fostering/adoption arrangements, student placements (aged 16 and over) and any other role that is deemed to be a regulated position (including roles that involve unsupervised contact with children or vulnerable adults).

## **2 INTRODUCTION**

### **Background and Legal Context**

The Disclosure and Barring Service (DBS) check searches personal details provided by applicants and employees or workers against criminal records and other sources. The DBS check will either confirm that the person named either doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether they have been barred from working with vulnerable groups. For an enhanced DBS check the police can also include non-conviction information, for example, fixed penalties, that may be considered relevant to the position the check is for.

The minimum age that someone can have a DBS check is 16 years old. DBS Counter Signatories will not be able to countersign an application for anyone under 16.

Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. The vast majority of roles eligible for DBS checks are those who work with children and vulnerable adults. Guidance on the eligibility and the types of roles that are exceptions can be found at:

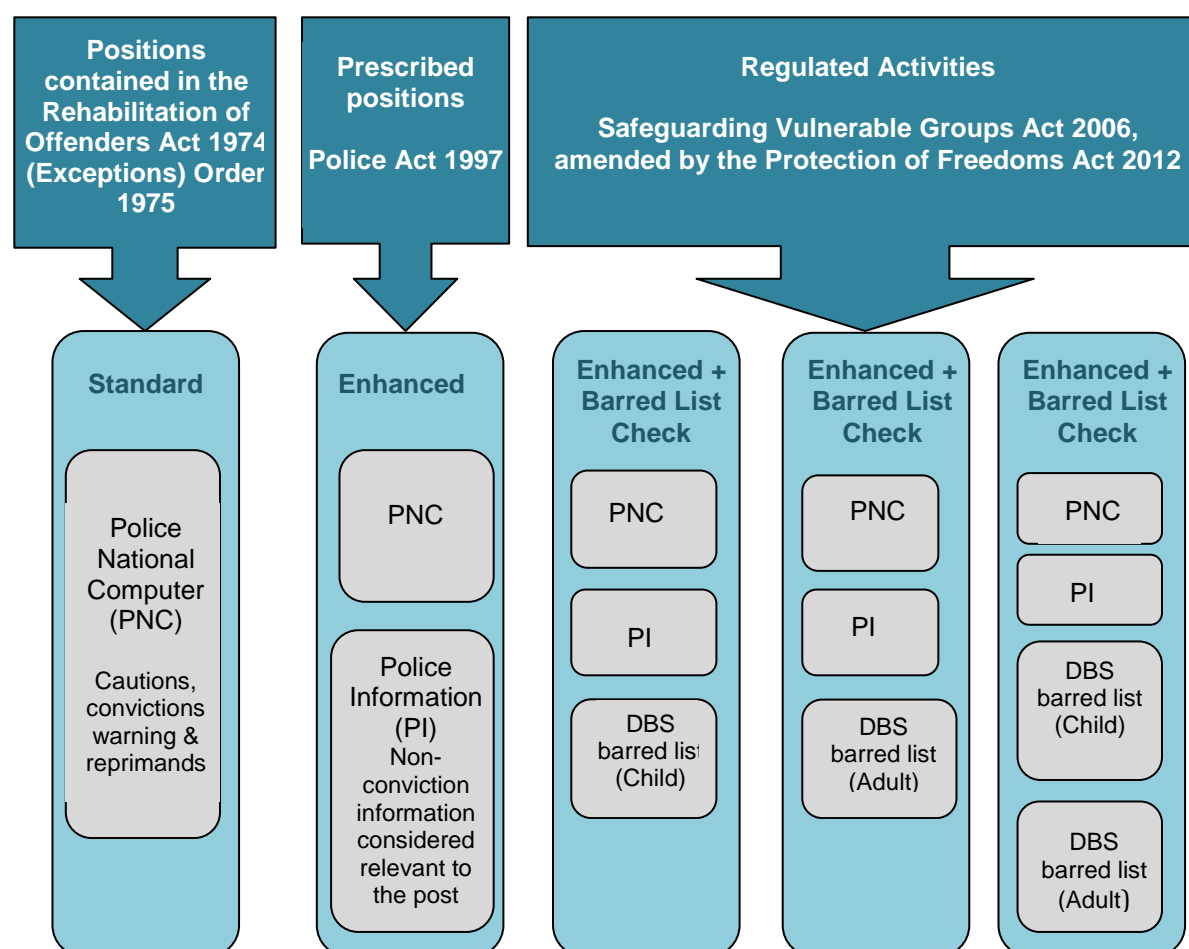
<https://www.gov.uk/government/publications/db-check-eligible-positions-guidance>

The DBS Counter Signatories on behalf of the Council have a legal responsibility to ensure there is a relevant exception before requesting a DBS check.

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 be legally checked against the Children or Adult Barred Lists (an enhanced check for regulated activity).

A definition of 'regulated activity' is shown in [Appendix A](#). However this list is not exhaustive. Further information is provided on the [DBS website](#).

### Types of Checks Available and Relevant Legislation



All DBS checks undertaken by the Council are at the enhanced level and may include one or both of the Barred List checks.

### Prohibition from employment with Children/Adults

The Council cannot legally employ someone to work in 'Regulated Activity' with children if they have been barred through the DBS Children Barred List or with vulnerable adults if they are barred through the DBS Adult Barred List.

It is an offence for a person to seek work (or to volunteer) with children or vulnerable adults if they are barred. Where this occurs the DBS Counter Signatories on behalf of the Council will report the barred person to the DBS.

For posts not in a regulated activity, an enhanced DBS check will not provide barred list information. However, the check will show details of relevant criminal convictions that may indicate that the person is barred.

When a positive DBS check is received it is up to the manager to fully investigate the information provided directly with the person concerned. The manager must complete the [Positive Disclosure Proforma](#) and send it to HR. The information will be considered by the Council's Safer Recruitment Panel who will decide if the person can be engaged at the council. The decision of the panel will be communicated to the manager.

## PROCEDURE

### 3. Establishing DBS requirements for a new post

It is the responsibility of the recruiting manager with HR guidance to determine if a post requires a DBS check.

Where a new post is created that has not been previously identified as requiring a check, the manager must firstly determine if the role is defined as regulated activity (see [Appendix A](#) for guidance). If it is regulated activity, the post will require both an enhanced DBS check and a Barred List check.

Managers must complete a [DBS Risk Assessment](#) to help determine if a DBS check is required for a post. The completed risk assessment must be sent to HR who will confirm whether the post is eligible for a DBS check.

The Lead DBS Counter Signatory may challenge a manager's request for a DBS check where there is reasonable belief that to request a check would be unlawful. In such cases, the manager will be asked to provide a rationale for their request for a DBS check to be carried out.

For further information contact the HR Transactional Team on 01922 655667.



#### 4. Recruitment & DBS checks

Where a post requires a DBS check or barred list check to be undertaken, this should be included in the job description (special conditions) and must be clearly stated in the job advertisement. This is in line with the Council's [Recruitment and Selection Procedure](#).

When applicants are invited to interview for posts requiring a DBS check they should be advised in the invite that a DBS check will be required if they are successful, therefore they are required to bring the necessary documentation to the interview for verification and photocopying.

Personal documents (identity documents etc) that have been copied at interview must not be retained for unsuccessful candidates; managers must ensure these documents are confidentially shredded.

#### Self disclosure at Interview

Where an enhanced DBS check is required the recruiting manager will ask all candidates at interview if they wish to declare anything in light of the requirement for a DBS disclosure or barred list check. Any comments made by the candidate should be written in the interview notes. This information will only be shared by those that need it as part of the recruitment process.

#### Offer of employment

The initial offer of employment is 'conditional' and subject to the satisfactory completion of all pre-employment checks, including DBS.

HR Transactional team will issue 'log on' details to the successful candidate for them to complete an online DBS application (through the e-bulk service). The candidate will also be made aware of the [DBS Code of Practice](#).

#### DBS application and identity checking

When making a DBS application, the manager or e-bulk identity checker will evidence the person's documents. The documents that can be used as identity checks are listed at

[www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-](http://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-)

Further detailed information can be found in the DBS Identity Checking Guidelines available at

[www.gov.uk/government/publications/dbs-identity-checking-guidelines](http://www.gov.uk/government/publications/dbs-identity-checking-guidelines).

The applicant must disclose any previous names and/or gender to the DBS.

In cases of gender reassignment the DBS have established a Special Application Contact Officer to maintain gender confidentiality. These may be contacted via:

email: [sensitive@dbgsi.gov.uk](mailto:sensitive@dbgsi.gov.uk)

telephone: 0151 676 1452

### **Candidates or employees with a pre-existing check**

The Council will accept an existing enhanced DBS certificate from a candidate if they have one that is relevant to the workforce they will be working in (i.e. Children's or Adults) and if they are signed up to the online update service. The Council will carry out an online status check to ensure the disclosure is valid and, if necessary, conduct a relevant barred list check.

Where a person applies to work in a different workforce (i.e. are moving from Adults to Children's or visa versa) a new DBS check will be required, and if necessary a relevant barred list check.

Managers should check the applicants DBS clearance with the HR Transactional team.

### **Candidates who have lived or worked abroad**

A DBS check will provide details of convictions, cautions, reprimands, warnings and other relevant police information that has taken place in the UK. However, the DBS check will not provide information from overseas.

Candidates who have worked or been resident overseas (including UK citizens who have worked or lived overseas) will require an Overseas Criminal Records Certificate (OCRC) or Statement of Good Conduct (SOGC).

The manager will request that an OCRC/SOGC is provided by the candidate if one is required. It is recommended that managers advise candidates to obtain their SOGC or OCRC prior to interview. The manager should consider the OCRC/SOGC along with all other employment checks before taking a decision regarding appointment.

It is the candidates responsible to obtain an OCRC/SOGC from the relevant UK embassy for each country in which they were resident or in employment. The OCRC/SOGC should be in English or the candidate will incur the costs for translation.

Further information on the OCRC/SOGC application process can be found at:  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **Volunteers**

A volunteer is described as a person who performs an activity which involves spending unpaid time doing something that benefits others (individuals or groups), excluding close relatives.

Volunteers who assist others on a regular basis may meet the criteria for requiring an enhanced DBS check and, if necessary, a relevant barred list check (see [appendix 1](#)).

The role of the volunteer must be described accurately by the manager under the 'role of the applicant' on the DBS disclosure form (e.g. "classroom helper", "parent helper"). The use of the word volunteer must not be used as the role title as this does not describe the activities the person will carry out. There is a separate place on the form to identify the DBS check is for volunteer, as the check is provided free of charge for volunteers providing that the applicant does not directly benefit from the position.

## **5. Appointment**

### **Special approval to work before DBS disclosure returned**

In exceptional circumstances, such as where the Council urgently needs to maintain legal staffing levels, a manager may request special approval to allow a person to start work before DBS clearance is confirmed.

The manager must email an Executive Director stating the rationale for the dispensation to start a person and what safeguarding measures they will put in place whilst waiting for the DBS disclosure to be returned. A record of the rationale and safeguarding measures must be retained by the service and reviewed fortnightly until the DBS is received.

Once approved the Executive Director must inform HR in writing of the approved dispensation.

### **Positive disclosures**

If a DBS check provides a positive information of a conviction, caution, reprimand or warning, or additional information from the Police, the Safer Recruitment Panel process will apply.

**Safer Recruitment Panel Process:**

When a positive response is received by HR via the DBS e-bulk system a letter will be sent requesting the individual to provide their DBS certificate to the appropriate manager. HR will also advise the manager a positive disclosure has been received.

The manager must then meet with the individual to discuss the details of the disclosure in line with the [DBS Code of Practice](#) and complete a [Positive Disclosure Proforma](#). The manager must send the completed proforma to HR with a copy of the DBS certificate, the job description and employee specification for the role. The information will then be considered by the Safer Recruitment Panel.

The Safer Recruitment Panel consists of representatives from Legal, Human Resources, Children's Services Safeguarding and Adult's Social Care Safeguarding. The panel will determine whether in their view an individual applying to work in regulated activity is suitable to hold such a post.

The Chair of the panel will inform the manager of the panel's decision to confirm or withdraw an offer of employment. The manager will then inform the individual.

Where there is a withdrawal of the offer of employment the manager must confirm this in writing, with advice from HR.

When assessing the suitability of the candidate for the position the Safer Recruitment Panel will consider any declared conviction information supplied on the application form or disclosed at interview, the information supplied on the [Positive Disclosure Proforma](#) and the relevance of the offences to the post in question.

The panel will be aware that no two offences are exactly alike, e.g. a premeditated burglary that involves extensive damage to property and the physical intimidation of the occupants is different from the opportunist convicted of reaching in through an open window and stealing a purse.

Having a conviction will not necessarily bar someone from employment with the Council. The Council will only take a criminal record into account when the conviction is relevant to the job they are to undertake. Protection of the applicant's rights and interests must be weighed against the rights and interests of clients, employees and the public, including the Council's duties and responsibilities towards these or other groups.

## 6. Checks during employment

### DBS and Barred List Rechecks

If a post requires a DBS check the Council can legally request employees be re-checked as regularly as they wish to (usually 5 yearly) through the online e-bulk service.

Where an employee's actions or activities give 'cause for concern' the Council reserves the right to ask employees in relevant positions to apply for a DBS re-check. The grounds for 'cause for concern' could include allegations of suspicious or inappropriate behaviour made by a child or other person or a colleague, parent, carer or member of the public. In such instances, a full investigation of any such allegations will be conducted in accordance with the Council's Disciplinary Procedure.

Where an existing employee is subject to a re-check which results in a positive disclosure the DBS Counter Signatory will check for any new offences or information (i.e. "new activity");

- If the re-check identifies "new activity" then the above [Safer Recruitment Panel process](#) will be applied. The Panel will make a recommendation to the line manager on whether the individual be removed from a regulated post pending appropriate action.
- If the previous disclosure was positive and re-check identifies no "new activity" then the Safer Recruitment Panel's decision from previous will still stand and no further action is required.

Where there is "new activity" it may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable adults, property/information/resources etc. 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 that does not bring them into contact with children/vulnerable adults. If this is the case, the manager must take guidance from HR when considering suspending the employee on full pay pending the outcome of any disciplinary investigation.

When the manager completes the [Positive Disclosure Proforma](#) for the Safer Recruitment Panel to consider, they should establish whether the conviction is relevant to the post and should not use convictions to seek 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, only after a full appraisal of the situation, including the risks involved and investigation of other alternative employment options (such as the introduction of safeguard measures or redeployment) should dismissal be considered. Where termination of employment is considered HR will assist the manager with applying the Council's Disciplinary Procedure.

### **New requirement for disclosure**

Where, due to changes in legislation, occupational groups become subject to a DBS for the first time, the Council will write to existing employees in those groups informing them of the requirement to obtain a DBS check. All employees will be expected to comply.

Any existing employee refusing to comply with the request for a DBS check will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued by an appropriate manager and/or to comply with a contractual agreement may lead to the employee being subject to disciplinary action.

## **7. Referral to the Disclosure and Barring Service**

The Safeguarding Vulnerable Groups 2006 Act sets a legal duty for the Council to refer information to the DBS if an employee or volunteer is dismissed or removed from working with children and/or adults and meets the referral criteria.

Referral criteria – the following two conditions must both be met:

- 1) The council withdrawn permission of a person to work in a regulated activity with children and/or adults either through dismissal or by moving the person to another area of work that is not a regulated activity. This also includes situations where the above would or may have occurred had the person not resigned, retired or otherwise left before the dismissal or move could occur.
- 2) The council believes that the individual has carried out one of the following:
  - i) Been cautioned or convicted of a relevant barring offence
  - ii) Engaged in relevant conduct (i.e. an action or inaction has harmed a child or vulnerable adult, or put them at risk or harm)
  - iii) Satisfied the harm test in relation to children and /or vulnerable adults (i.e. there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists)

The referral will be undertaken by the manager in conjunction with the DBS Counter signatories.

## **8. Non-council employees**

### **Agency Workers**

The supplier agency assumes the position of employer for the purpose of obtaining a relevant DBS check for agency workers/consultants and the responsibility to ensure the DBS check is satisfactory lies with them.

When using an agency worker it is up to the manager to obtain and record confirmation from the agency that clearance has occurred to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the children's and/or adult's barred list, if applicable.

### **Contractors**

The organisation providing the contractor assumes the position of employer where contractors contract directly with the Council and the responsibility to obtain a relevant DBS check lies with them.

Where contractors are provided through a third party, they are expected to complete the DBS checks as specified in the above agency relationship.

When using a contractor it is up to the manager to obtain and record confirmation from the contracting organisation that clearance has occurred and that a satisfactory DBS check has been obtained and a children's/adult's barred list check has been undertaken, if applicable.

## **9. Complaints**

Candidates or employees unhappy with any aspect of the DBS process, including the application of this procedure, should initially raise their concerns through the appointing officer or line manager.

The above complaints procedures are intended to deal with the Council's own internal processes. Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the Disclosure and Barring Service.

**Appendix 1 - Definition of Regulated Activity****Regulated Activity relating to Children**

The definition of regulated activity relating to children (from 10 September 2012) comprises only:

**a) Activity of a specified nature**

- Teaching, training, instruction care for or supervision of children if carried out by the same person frequently or overnight (except if the person is under regular supervision)
- Advice or guidance provided wholly or mainly for children which relates to their well being if carried out by the same person frequently or overnight
- Driving a vehicle being used only for children (and their carers/supervisors) when carried out by the same person frequently;
- Fostering a child (any frequency)
- Early years or later years childminding (any frequency)

**b) Activity within a specified establishment**

- Work for or on behalf of a specified establishments with opportunity for contact with children if carried out frequently.
- 'specified establishments' include schools/academies, children's homes, children's centres, childcare premises including nurseries.
- Exception to this is work by volunteers under regular supervision or temporary contract work that is not an 'activity of a specified nature' listed above.

**c) Providing healthcare (any frequency)**

- any health care professional providing health care to a child, or anyone who provides health care under the direction or supervision of a health care professional.

**d) Providing personal care (any frequency)**

- Providing physical assistance with eating/drinking, toileting, washing/bathing or dressing because of a child's age, illness or disability.
- Prompts and then supervises a child who, because of their age, illness or disability, cannot make the decision in relation to the above personal care without prompting or supervision;
- Trains, instructs or offers advice or guidance on the above personal care to children who need it because of their age, illness or disability;

**e) Day to day management of regulated activity**

- Day to day management on a regular basis of a person who is providing a regulated activity in relation to children



**Exceptions:** Family and personal relationship are exceptions to regulated activity relating to children if the activity is conducted in the course of a family relationship or personal relationship for no commercial consideration.

**Definitions:**

- **Any frequency** means doing the activity one or more
- **Frequently** means once a week or more, or four or more times in any 30 day period
- **Overnight** means once or more between 2am and 6am with the opportunity for face to face contact with children
- **Supervision** must be regular and day to day by a person engaging in regulated activity and reasonable in all circumstances for the protection of children.

### Regulated Activity relating to Adults

The new definition (10 September 2012 onwards) of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time.

This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

There are six categories of people who will fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people)

**a) Providing healthcare**

- any health care professional providing health care to an adult, or anyone who provides health care under the direction or supervision of a health care professional.

**b) Providing personal care**

- Providing physical assistance with eating/drinking, toileting, washing/bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;
- Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision in relation to the above personal care without prompting or supervision;
- Trains, instructs or offers advice or guidance on the above personal care to adults who need it because of their age, illness or disability;

**c) Providing social work**

- The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client;

**d) Assistance with general household matters**

- Assistance with cash, bills and/or shopping;
- The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf;

**e) Assistance in the conduct of a person's own affairs**

- Anyone who provides various forms of assistance in the conduct of an adult's own affairs, for example, by virtue of an enduring power of attorney;

**f) Conveying**

- Any driver or assistant who transports an adult (including any carer) because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care.
- This will not include family and friends or licensed taxi drivers or private hire drivers.

## Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Disclosure and Barring Service Procedure		
Directorate	Change & Governance		
Service	HR Strategy and Planning		
Responsible Officer	Mike Smith		
EqIA Author	Rebecca Lloyd		
Proposal planning start	September 2016	Proposal start date (due or actual)	8 December 2016

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	No	
	Procedure	Yes	New
	Internal service	No	
	External Service	No	
	Other - give details		
2	What are the intended outcomes, reasons for change? (The business case)		
	<p>The new Disclosure and Barring Service Procedure sets out the council's approach to using Disclosure and Barring Service (DBS) Checks and implications arising from their use for employees and workers. The procedure relates to checks carried out upon recruitment and during the life time of employment or placement, and applies to all positions within the Council (excluding schools), whether paid or unpaid.</p> <p>As a Registered Body, the Council is required to have a written procedure on the use of DBS checks and the handling of Disclosures and Disclosure Information, in accordance with the DBS Code of Practice.</p> <p>The Disclosure and Barring Service procedure includes the following provisions:-</p> <ul style="list-style-type: none"> <li>• Background and legal context to DBS checks</li> <li>• Definition of 'Regulated Activity'</li> <li>• Establishing DBS requirements for a new post</li> <li>• Recruitment and the DBS process</li> <li>• Dealing with candidates or employees with pre-existing checks (online checking service)</li> <li>• Checks for candidates who have lived or worked abroad</li> <li>• Dealing with positive disclosures &amp; the Safer Recruitment Panel Process</li> <li>• Re-checks during employment</li> </ul>		



	<ul style="list-style-type: none"> <li>• Referrals to the Disclosure and Barring Service</li> <li>• DBS checks for workers (agency/contractors) who are non-council employees</li> <li>• Raising complaints on the DBS process</li> </ul> <p>Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act. Also under the Protection of Freedoms Act 2012 the council has a legal responsibility to ensure that checks are carried out on any one engaged in Regulated Activity and that checks are only carried out for those individuals of the appropriate barring list for the groups they are working with. The procedure sets out the approach to using DBS checks to ensure there is a relevant exemption before requesting this from an applicant/employee/volunteer.</p> <p>The procedure ensures that safer recruitment decisions are made preventing unsuitable people from working or volunteering with children and vulnerable adults, and that citizens who have a criminal record are not discriminated unfairly because of a conviction when applying to work for (or to volunteer with) the Council.</p>		
<b>3</b>	<b>Who is the proposal potential likely to affect?</b>		
	<b>People in Walsall</b>	<b>Yes / No</b>	<b>Detail</b>
	All		
	Specific group/s	Yes	Protection of vulnerable groups (children and adults)
	Council employees	Yes	Employees working with vulnerable groups
	Other	Yes	Volunteers engaging with vulnerable groups
<b>4</b>	<b>Evidence, engagement and consultation (including from area partnerships, where relevant)</b>		
<b>4.1</b>	<p>The procedure was circulated the wider HR Management Team for early comments (11 - 19 October 2016).</p> <p>The procedure was then sent out for comment to Assistant Directors, Heads of Service, HR, the Safer Recruitment Panel and Trade Unions between 26 October to 9 November 2016.</p> <p>Legal Services were included as part of the wider council management consultation.</p> <p>The Trade Unions only comment during consultation related to the recharging of DBS checks to schools, this does not affect the procedure.</p> <p>Following consultation, the draft procedures were amended and were approved by HRSMT.</p> <p>The DBS procedure will be submitted to CMT for consideration on 17 November 2016 and will taken to the next available Personnel Committee (7 December 2016) for approval as this relates to appointments. If approved the procedure would be</p>		

implemented immediately.

Type		Date	
Audience			
Protected characteristics			
Feedback			
N/A			

Type		Date	
Audience			
Protected characteristics			
Feedback			
N/A			

#### 4.2 Concise summary of evidence, engagement and consultation (including from area partnerships, where relevant)

Consultation has been undertaken with Human Resources, DBS lead counter signatory and counter signatories, the Safer Recruitment Panel (which includes a representative from Legal Services), Assistant Directors/Heads of Service and Trade Unions. The procedure has been submitted to CMT for consideration and will be presented at Personnel Committee for approval.

Once approved the procedure will be communicated in Core Brief and Inside Walsall staff news. The procedure will be uploaded onto the Intranet (on the HR pages).

As of 31 March 2016 the total number of Walsall Council employees (excluding Schools) was 3635. In total there were 160 (4.4%) employees who declared they had a disability, as defined by the Equality Act 2010, some of these may require communication in a different format.

#### 5 How may the proposal affect each protected characteristic or group? The effect may be positive, negative or neutral.

Characteristic	Effect	Reason	Action needed Y or N
Age		No impact foreseen	No

	Disability		Potential impact on employees who require reasonable adjustments for communication and for those who do not understand the policy/procedure. e.g. employees with learning disabilities.	Yes
	Gender reassignment		No impact foreseen.  If the name they are using is not their legal name, this may be an issue in obtaining a check. However, the DBS have a Sensitive Application Team that individuals can contact to disclose previous name/gender information that is then only know to the DBS and not released on the disclosure.	No
	Marriage and civil partnership		No impact foreseen	No
	Pregnancy and maternity		No impact foreseen	No
	Race		Potential impact on those employees whose first language is not English as they may not understand the procedure.	Yes
	Religion or belief		No impact foreseen	No
	Sex		No impact foreseen	No
	Sexual orientation		No impact foreseen	No
	Other (give detail)			
	Further information			
6	Does your proposal link with other proposals to have a cumulative affect on particular equality groups? If yes, give details below.			(Delete one) <b>No</b>
7	Which justifiable action does the evidence, engagement and consultation suggest you take? (Bold which one applies)			
	A	No major change required		
	B	<b>Adjustments needed to remove barriers or to better promote equality</b>		

	C	Continue despite possible adverse impact
	D	Stop and rethink your proposal

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
On implementation	The policy/procedure will be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaise as required with the council's Interpretation, Translation , Transcription and Easy Read Service (ITTE)	As and when requested	Reasonable adjustments made to support employee and ensure equality.
On implementation	Alternative formats (including audio and Easy Read) for disabled employees are available on request.	Appropriate liaison as required with the council's Pearl Linguistics Service	As and when requested	Reasonable adjustments made to support employee and ensure equality.

Update to EqIA	
Date	Detail