

# GSS - DBS checks and criminal convictions policy

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## 1. Overview

This document outlines Global Solution Services (GSS) policy on the use of criminal record checks (now known as Disclosure and Barring (DBS) checks) and recruitment of staff or volunteers with criminal convictions or those who are barred from working with vulnerable groups. This policy applies to all staff and employees and will be made available to applicants at the outset of the recruitment process where a DBS request for disclosure of their criminal record will be required as part of the application process.

The Disclosure and Barring Service (DBS) has been established under the Protection of Freedoms Act 2012 and merges functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

This policy refers to vulnerable groups including children and adults. A child is anybody under the age of 18. An adult is considered vulnerable during the time which they require services including; health care; personal care; social care; assistance with cash, bills and shopping; assistance with the conduct of their affairs and conveying (transport in relation to health, personal or social care provision).

## 2 Disclosure of criminal convictions

It is GSS policy to require applicants to disclose any 'unspent' criminal convictions as part of their application. Under the Rehabilitation of Offenders Act 1974 (amended) ex-offenders are not required to disclose to prospective employers, convictions defined as 'spent' under the Act. However certain posts, particularly those working with vulnerable groups, in positions of trust or sensitive areas are exempt from these provisions, and in these cases all convictions must be declared and DBS clearance obtained prior to starting employment.

GSS will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for GSS; the nature of a disclosed conviction and its relevance to the post in question will be considered. This is with the exception of; a person who has unspent convictions for violence, assault or damage to property, which are likely to be incompatible with working for GSS or; a person who is barred from working with vulnerable groups. It is a criminal offence to employ a person in a 'regulated position' (see 4) where they have been barred from working with vulnerable groups.

Where a conviction has been disclosed in an individual's application for a post at GSS, a discussion will take place at the end of the interview regarding the offence and its relevance to the position. Failure to reveal information relating to unspent convictions will lead to withdrawal of an offer of employment, or termination of employment.

All staff are required to disclose criminal convictions acquired during employment at GSS which may be relevant to their position or that related to violence, assault or damage to property. Disclosure is to be made confidentially to HR Employment Contract Administration team or GSS Directors who will consider the effect of the offence on the employee's post. Examples of convictions relevant to positions include a driving offence for a driver position, theft or fraud for a finance position and convictions relating to vulnerable groups if working in regulated activity. Disclosures relating to vulnerable groups will be referred to a GSS Safeguarding Contact who will consider whether a referral to the Disclosure and Barring Service is necessary.

### 3 Disclosure and Barring Service

GSS uses the Disclosure and Barring Service (DBS) Disclosure Service via Atlantic data to obtain information to enable it to assess the suitability of applicants for employment for posts working with vulnerable groups or in positions of trust.

GSS complies with the DBS code of practice including the secure storage, handling, use, retention & disposal of DBS disclosures and disclosure information and with its obligations under the Data Protection Act.

Storage & Access - DBS disclosure information will not be stored on an employee's personnel file, but is accessible via the DBS service if required and information on the Disclosure Number kept securely in lockable cabinets

Usage - DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

Retention - Once a recruitment (or other relevant) decision has been made, DBS disclosure information will not be stored for longer than is necessary. This is generally for a period of up to six months to allow for consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep such information for longer than six months, consideration will be given to the Data Protection rights of the individual.

#### Regulated Activity – Adults and children

The new legal definition of regulated activity for adults and children no longer uses the term 'vulnerable' and no longer requires the activity to meet a minimum frequency threshold. The definition now focuses on the nature of activities, which if required by an adult and or child, will define them to be vulnerable. Staff and managers of staff providing the following activities will be conducting regulated activity:

- Health care – any health care professional providing health care to an adult or child, anyone who provides health care to an adult or child under the supervision of a health care professional.
- Personal care – providing assistance, supervision or advice in relation to activities including eating and washing.
- Social care
- Assistance with cash, bills or shopping
- Assistance in the conduct of a person's own affairs\*
- Transporting an adult or child because of their age, disability or illness to or from their home and a place where they will receive health care, personal care or social care.

\*As part of GSS commitment to working with Government agencies to supply learning, training and employability based activities GSS conduct Enhanced DBS checks on all staff who are involved in or have direct contact with sensitive customer data and potential vulnerable adults and children.

## 5 Process

Where GSS considers that a position meets the regulated activity definition and or requires a DBS check as part of contractual requirements this will be announced at the outset of the recruitment cycle.

When submitting an advert it will always contain a statement to show GSS is an equal opportunities employer and this post will be subject to DBS checking.

GSS currently does not accept portability of DBS checks, which individuals may have from previous employers, as proof of satisfactory clearance, however will view this as an interim measure whilst the procedures of the new DBS check is in process if:

- the disclosure is at the correct level i.e. Standard / Enhanced / Enhanced + Barred list
- free from any offences that would prevent them being employed by GSS

## 6. Monitoring and Reviewing this Policy

This policy will be reviewed in response to changes in legislation and within the setting and falls in line with our other policies including *Safeguarding of Vulnerable adults and children*, *Information and Data Security and Confidentiality policies*.

Outside of the above point this policy will be reviewed annually and objectively and any changes, made will be disseminated to all staff equally.

Signed



(Director)

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