



Disclosure and Barring Service (DBS) Code of Practice

1 CONTEXT

The Disclosure and Barring Service (DBS) was established in December 2012 under Part V of the Protection of Freedoms Act (POFA) to undertake disclosure and barring functions. There are specific legal requirements around these checks. Disclosure functions are set out in Part V of the Police Act 1997, which requires Registered Bodies to adhere to this Code of Practice.

2 SCOPE

Applications made by Gateshead College to DBS can be for employees, students or volunteers.

1. Applications will be made in accordance with the College staff recruitment policy, the Statement of the Recruitment of Ex-Offenders and the Data Protection Policy.

3 REGISTRATION OF GATESHEAD COLLEGE WITH DBS

The Police Act 1997 (Criminal Records) (Registration) Regulations 2006 sets out the obligations a Registered Body must meet in order to retain its registration.

Gateshead College will:

1. Provide up-to-date information to the DBS in respect of their registration information and counter signatories in line with current procedures.
2. Maintain all accounts, online or otherwise, for all DBS products and delete when no longer required.
3. Ensure any electronic system used complies with specifications set out in the above regulations.

4 APPLICATION PROCESS

Gateshead College will:

1. Submit applications for a DBS product in the format determined by DBS.



2. Ensure that applications for a DBS product are completed accurately and that all data fields determined by DBS as mandatory are completed in full.
3. Ensure that any application submitted electronically complies with DBS specifications as stipulated in line with current requirements.
4. Ensure that, where evidence checkers complete any part of the administration of the application process, sufficient training has been provided to enable same degree of accuracy required by DBS of the counter signatory.

5 IDENTITY VERIFICATION

Gateshead College will:

1. Verify the identity of the applicant prior to the submission of an application for a DBS product by following the current guidelines issued by DBS – see Appendix 3
2. Ensure that any person undertaking identity verification checks on their behalf follows the current guidelines issued by DBS – see Appendix 3
3. Make sure lead or counter signatories do not validate their own applications for any DBS products.

6 DATA HANDLING

Gateshead College will:

1. Have a clear and explicit procedure on the secure handling of Disclosure information;
2. Store Disclosure information securely;
3. Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured;
4. Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the DBS or as a result of a stipulated requirement relating to the e-channel service;
5. Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes;
6. Dispose of Disclosure information in a secure manner;



7. Ensure that Additional Information, including information as to its existence, is not revealed to the Disclosure applicant and is disposed of in the appropriate manner and at the appropriate time;
8. Ensure compliance with DBS guidance on the portability of Disclosures and their contents.

7 SUITABILITY POLICY

Gateshead College will:

1. Have a written policy on the suitability of ex-offenders that is available upon request to potential applicants;
2. Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure;
3. Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision;
4. Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment;
5. Provide a copy of the DBS Code of Practice to the applicant upon request.

8 PAYMENT AND FEES

Gateshead College will:

1. Pay all registration fees in line with time periods set out in Home Office DBS procedures;
2. Pay all fees relating to DBS products in line with time periods set out in Home Office DBS procedures;
3. Pay all fees related to criminal records check applications submitted after any decision by the DBS to suspend registration or deregister the organization;
4. Correctly apply the Police Act definition of a volunteer to each criminal records check application to assert eligibility that no fee should be charged for that application – see appendix 4;
5. Publish all fees, in relevant documentation, associated with the processing of criminal records check applications when you do so on behalf of others.



6. Notify the DBS in writing of any change to the fees associated with the processing of Criminal records check applications when you do so on behalf of others.

9 ELIGIBILITY

Eligibility for DBS checks is set out in the following legislation:

- Standard checks – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.8
- Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.9
- Enhanced checks with children's and/or adults' barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

Gateshead College will:

1. Use all reasonable endeavour to ensure that they only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.
2. Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list information.
3. Ensure they are legally entitled to request any DBS product being applied for.

10 ASSURANCE AND COMPLIANCE

Gateshead College will co-operate in full and in line with the timescales in current procedures, when DBS enquiries are made in relation to:

1. Ongoing compliance of Registered Bodies and those in receipt of Update Service information with the obligations under this Code.
2. Implementing the suspension or de-registration of a Registered Body where non-compliance is established in line with current procedures.



11 DISCLOSURE OFFENCES

Although certificates are now provided directly to the applicant, Gateshead College will receive personal information related to applications and will receive disclosure information when certificates are provided to them by their employees or applicants for posts, including volunteers.

Recipients of disclosure information, through electronic means or via the applicant's copy of the disclosure, must note that it is an offence to disclose information contained within a DBS Certificate to any person who is not a member, officer or employee of the Registered Body or their client, unless a relevant legal exception applies. Furthermore, it is also an offence to:

1. Disclose information to any member, officer or employee where it is not related to that employee's duties;
2. Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain, a Certificate.

12. WHAT HAPPENS IF THE CODE IS BREACHED

The Police Act 1997 (Criminal Records) (Registration) Regulations 2006 sets out Conditions of Registration. Regulation 7(h) is for compliance with the Code of Practice issued under section 122 of the Act.

Failure to comply with Conditions of Registration can result in the suspension or cancellation of registration. This follows a set legislative process with clear timescales.

Failure to comply with requirements set out in the Data Protection Act may also result in enforcement action from the Information Commissioner's Office (ICO).



APPENDICES

Appendix 1

Procedure for Secure Handling of Disclosure Information

1. Gateshead College is committed to ensuring that DBS Disclosure information is handled and stored securely.
2. Disclosure information will be securely stored, in a locked environment either within the Human Resources or Student Support Admin team areas.
3. Disclosure information, its content or any representation of the same in any format will be retained for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured.
4. No reproductions of the Disclosure or its content will be made, including photocopies or scanned images, unless with the prior agreement of the DBS or as a result of a stipulated requirement relating to the e-channel service.
5. Disclosure information will be shared only with relevant persons in the course of their specific duties relevant to recruitment and the vetting processes.
6. Disclosure information will be disposed of in a secure manner by confidential waste management or shredding in a secure environment.
7. Additional Information, including information as to its existence, will not be revealed to the Disclosure applicant and will be disposed of in the appropriate manner and at the appropriate time.

Gateshead College will ensure that the above standards are met by:

- staff training, ensuring that all staff involvement in the handling of Disclosure information are aware of Gateshead College's DBS Code of Practice and practices which must be adopted to ensure the secure handling, storage and disposal of disclosure information;
- staff receiving Disclosure information are instructed of the requirement that it must be stored securely in a locked storage facility, which is only accessible to staff who are trained and act as Counter signatories in the DBS application process;
- undertaking audits to assure compliance with the Code of Practice.



Appendix 2

A counter signatory's guide to completing the DBS application form:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410891/CS_guide_to_completing_the_DBS_app_form_v1_5.pdf

Appendix 3

ID checking guidelines for DBS check applications:

<https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-dbs-check-applications>

Appendix 4

Volunteer applications:

<https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#volunteer-applications>

Appendix 5

Revised Code of Practice for Disclosure and Barring Service Registered Persons

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf