



# DBS Policy

The Council is committed to safeguarding the welfare of the public and ensuring that our services are delivered by suitable individuals. The purpose of this policy is to provide the framework to assess criminal records of current and potential employees.

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### Relevant documents:

- [List of roles requiring DBS checks](#)

### Related external links:

- [DBS Code of Practice \(External\)](#)
- [Data Protection Act 2018](#)
- [Care Check](#)
- [DBS Service's Eligibility](#)

If you have any questions about this policy or require any further support, please contact the HR team by emailing [hr@southkesteven.gov.uk](mailto:hr@southkesteven.gov.uk)

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

## 1.0 Policy Statement

The Council requires all employees who work in certain positions to undergo a basic Disclosure and Barring Service (DBS) check before they start their employment and every two years thereafter. Some roles, for example in CCTV, may require a different level of DBS check, alongside other vetting checks.

## 2.0 Scope

Employees and potential employees will be required to partake in a DBS check if they work in a role assessed as requiring one. The list of roles requiring a DBS is usually based on contact with children, vulnerable adults or sensitive information.

Different roles may require different levels of checks and the Council will use the Government's [DBS Service's Eligibility Tool](#) to determine which level of check is appropriate for which role. For the majority of positions in the Council which require a DBS check, it is a basic check which shows unspent convictions and conditional cautions.

The current list of roles requiring a DBS can be found [here](#). The Council reserves the right to request a DBS check for any other position that it deems necessary for the protection of the public or the Council's reputation.

## 3.0 Guiding principles

- The Council will treat all applicants and employees fairly and consistently throughout this process.
- The Council will comply with the DBS Code of Practice and Rehabilitation of Offenders Act 1974, and will not discriminate against anyone on the basis of their criminal record.
- The Council will assess the relevance and proportionality of the DBS check requirement for each position and will only request a DBS check when it is necessary and justified.
- The Council will respect the privacy and confidentiality of the applicants and employees and will only use and share their DBS information for the purpose of making recruitment and employment decisions.

## 4.0 What is a DBS check?

DBS stands for Disclosure and Barring Service and is a process used to identify relevant offences in an individual's criminal record.

## 5.0 Process for new starters

Roles which require DBS checks will include this within the job advert and the conditional job offer letter provided to the successful applicant.

Individuals will be sent a link to complete the DBS check and will be supported to do so, alongside other new starter vetting processes.

Once the DBS check is returned, HR will record the outcome and confirm the check is complete. The offer of work may be withdrawn if the candidate does not engage in this process in an appropriate timeframe.

New employees would not normally commence work prior to the DBS check being received. However in exceptional circumstances and with authorisation from a Director, approval may be provided. In such cases, a risk assessment would usually be conducted by the manager and relevant mitigation measures put in place.

## **6.0 The DBS Check**

South Kesteven District Council employ an external provider called Care Check to manage the process of DBS checks. This includes an ID check as they must ensure an individual's identity is properly verified.

Care Check will email a link and guidance to individuals asking them to submit the relevant information. The outcome will then be emailed back to the individual, as well as being shared with HR via a portal.

## **7.0 Renewing DBS Checks**

All employees who are subject to this policy must renew their basic DBS check every two years from the date of issue.

When notified that a DBS needs rechecking, the employee should follow the process with Care Check to complete the renewal process.

Employees who hold a DBS undertaken by South Kesteven District Council will not require further clearance if they change position within the Council unless it has been more than two years since the previous DBS was undertaken.

## **8.0 Criminal Records**

### **8.1 Current Employees Criminal Offences**

Existing employees who are cautioned, charged, summonsed or convicted of a criminal offence should inform their line manager and HR immediately in writing (i.e. an email). This information will be reviewed by the line manager and HR, and consideration will be given as to whether such conviction or caution could affect an individual's ability to fulfil their contract.

Depending on the seriousness and circumstances of the criminal record and the job the employee is employed in, the Council may consider the offence as warranting a disciplinary process which could result in actions up to and including dismissal for gross misconduct.

Failure to disclose such information is likely to lead to disciplinary action being taken up to and including dismissal for gross misconduct.

## **8.2 DBS returned with Criminal Record - Current Employees**

If a DBS check reveals a criminal record of a current employee, the Council will assess the relevance of the record to the position in question. A DBS risk assessment may be appropriate to identify the level of risk the criminal record poses. This may lead to a factfinding investigation in line with the Council's Disciplinary Policy. In the investigation, the nature of the offence, the time that has passed since the offence was committed and any other relevant information will be considered. The disciplinary process could result in actions up to and including dismissal for gross misconduct in line with the Council's disciplinary policy.

## **8.3 DBS returned with Criminal Record – Job Applicant**

If a DBS check reveals a criminal record of a role applicant, the Council will assess the relevance of the record to the position in question. A DBS risk assessment may be appropriate and offers of employment may be withdrawn.

The Council will comply with the DBS Code of Practice and the Rehabilitation of Offenders Act 1974, and will not discriminate against anyone on the basis of their criminal record.

## **9.0 Appeals of the DBS outcome**

The DBS Service provides a right to appeal if an individual feels that information revealed on the DBS certificate is incorrect or does not relate to them. More information can be found on the [DBS appeals and disputes page](#).

## **10.0 Data Protection**

The Council will store personal data produced by this process securely and confidentially in accordance with the Data Protection Act 2018 and the DBS Code of Practice.

For further information about this policy, please contact the HR Team at [hr@southkesteven.gov.uk](mailto:hr@southkesteven.gov.uk).

- This policy applies to all employees within South Kesteven District Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- The Council reserves the right to amend this policy from time to time.