

Beyond Limits provides policies and procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policies and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Beyond Limits, to make good, safe decisions.

Beyond Limits expects all employees to be familiar with the contents of all policies and procedures relevant to their role and to understand how to apply them within their daily work.

None of these documents stand alone, all fit within the larger framework of the way we work and any associated policies which are particularly relevant will be directly referenced.

## Disclosure and Barring Policy

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To be read in association with Equality and Diversity Policy and Recruitment and Selection Policy.

### Disclosure and Barring Policy – what this means to Beyond Limits

#### **Background:**

As an organisation using the Disclosure and Barring process to help assess the suitability of applicants for positions of trust; Beyond Limits are recipients of disclosure information and comply fully with the Disclosure & Barring Service Code of Practice. We undertake not to discriminate unfairly against any subject of a Disclosure because of conviction or other information revealed.

#### **General Principles:**

As an Organisation using the Disclosure & Barring Service to help assess the suitability of applicants for the positions of trust; Beyond Limits complies fully with the Disclosure & Barring Service Code of Practice (Section 122 of the Police Act 1997) regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. On Request the DBS Code of Practice is made available.

All employees of Beyond Limits will have a Disclosure & Barring Service check. Staff who will be working on a support team in regulated activity will have an Enhanced Disclosure & Barring Service check. **For any other roles within the organisation a DBS check will be carried out at the suitable level for the relevant position.**

It is the responsibility of all employees to disclose **any** convictions, reprimands, cautions or warnings that will, or may be recorded on an enhanced Disclosure check. It is also the responsibility of all employees to inform their line manager of any conviction, after employment that may be recorded on a DBS check.

#### Process of obtaining a DBS check:

All successful candidates will be asked to complete an online DBS application form via the uCheck platform and to provide relevant acceptable documents to support their application, this must include their ID and address verification details.

Evidence checkers (administration team) must ensure that the identity and current address of each disclosure applicant is verified beyond any doubt. In order to establish identity, applicants will be asked to produce documents from the List of Valid Identity documents in the DBS ID Checking Guidelines.

Applicants will receive a Disclosure and Barring Service Certificate to their home address.

For any applications submitted online via the uCheck portal, the uCheck report will be obtained and kept securely.

Where there is information recorded on the Certificate, the candidate must present the original document to Beyond Limits for verification of the information recorded.

In the event that a paper application has been processed, the candidate is required to present the Certificate to Beyond Limits for verification, regardless of whether or not there is information recorded.

Where a potential new employee has signed up for the DBS Update Service, they can provide their reference number and confirmation that they are happy for Beyond Limits to carry out an update check. The administration team can then perform a free check to see the status of the certificate. When checking the details on the original certificate they need to verify the level of DBS check to ensure that it matches the requirement for the new role.

### Re-checking:

Whilst there is no legal requirement to review DBS checks, Beyond Limits will carry out checks for all current employees every three years from DBS issue date.

Employees are responsible as specified in their contract to disclose any convictions, cautions, reprimands, warnings that occur in the interim. Failure to do so may result in disciplinary action being taken.

Prior to expiry of the three-year period, the employee will be advised that they are due to be re-checked and will be asked to complete an online DBS application form and to submit relevant documents. If this does not happen in the given timescales, a conversation will be held between the employee and their Line Manager in order to establish the reasons for non-compliance and they will ask the person responsible to come off shift without pay.

For any employee that has signed up to DBS Update Service, they can provide their reference number and confirm they are happy for Beyond Limits to do an update check. In this case the disclosure will be checked on a yearly basis.

Any employee who has not completed a shift in more than three months will be asked to sign the disclosure form. Due to the nature of casual work, casual employees may be encouraged to sign up to the DBS Update Service.

### Agency support workers:

For agency workers the relevant agency must provide confirmation in writing that an enhanced DBS with the barred list check has been completed. If anything is declared by the agency worker prior to employment or anything comes up on the Certificate, this must be declared by the agency to the relevant Service Leader and a **safety assessment** must be completed prior to the agency worker starting shifts with Beyond Limits.

### Payment for your DBS Disclosure:

Successful job applicants will be asked to sign a disclaimer agreeing that the payment for DBS disclosure, will be taken from the first month's salary. This payment will be reimbursed to the employee in full after successful completion of their probation period with the organisation.

Re-check payment will be paid by Beyond Limits, however if the employee leaves the Organisation within 6 months of the DBS date, the full cost of disclosure will be deducted from their final salary.

**Storage and Access:**

The original DBS will be sent to the employee only. Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in a separate electronic folder with access strictly controlled and limited to those who are entitled to see it as part of their duties.

**Handling:**

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. Disclosures or Disclosure information will only be revealed to the relevant line manager, HR Manager and Director of Beyond Limits. We recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

**Third Party Agreement:**

There are times due to the different local authorities with whom we work, that employment is subject to third party agreement. In these situations, and where issues arise, we may be expected to share the Disclosure with that third party. This will only be done in consultation with the employee and where we have their signed consent to do so.

**Usage:**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

**Retention:**

Once a recruitment (or other relevant) decision has been made, Disclosure will be kept for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than 6 months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the employee before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

**Disposal:**

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we keep a record of the date

of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position of which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately shredded.

#### **Disclosing Convictions:**

Any positive disclosures will be noted and any discussions held with employee around this will be recorded on a “Beyond Limits Mitigation Report” and filed in a separate folder with restricted access.

Where an employee is convicted of an offence during their employment with us, they are required to immediately inform their line manager. Each situation will be considered on an individual basis, and a **Beyond Limits Mitigation Report** will be completed considering anything that compromises their ability to work with a vulnerable person.

#### **Referrals to DBS regarding safeguarding issues:**

If Beyond Limits dismisses or removes a person from regulated activity (or may have done, had they not left their employment) because they have harmed or posed a risk of harm to a child or an adult at risk of harm or abuse, then we have a **LEGAL** duty to refer the person to the DBS.

In the first instance Beyond Limits will liaise with local Safeguarding team, HR and obtain legal advice.

The referral will only be made if any concerns raised have been substantiated.

The DBS is responsible then for decisions regarding the suitability or otherwise of such an individual to work with vulnerable groups or to be listed on the barred lists.