

Staff Disclosure and Barring Check (DBS) Policy

DBS checks as part of The Place's Safeguarding Commitment

DBS checks assist employers in making safer recruitment decisions to help to prevent unsuitable people from working with children and vulnerable adults. DBS checks are therefore essential to The Place's Safeguarding Commitment, including its legal responsibilities in our work with children and vulnerable adults.

The Place's Safeguarding Commitment

The Place is committed to promoting the welfare and wellbeing of children and recognises that safeguarding children is "everyone's responsibility".

To meet this commitment, we will adhere to our statutory Safeguarding duties, engage with safeguarding partners in the community and strive to follow best practices in our work.

As part of our Duty of Care to our adult Participants, we will consider ways to offer appropriate advice and support to those who may be experiencing or at risk of abuse.

Our approach to safeguarding is informed by our commitment to equality and diversity. We recognise the harm that racism and other forms of prejudice and discrimination can cause to individuals and groups.

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Related The Place Policies

- London Contemporary Dance School's [*Criminal Records Policy*](#)
- The Place's [*Safeguarding Policy and Reporting Procedures*](#)

Related legislation and statutory guidance

- [Safeguarding Vulnerable Groups Act \(2006\)](#)
- [Safeguarding Vulnerable Groups Act \(2006\) – Explanatory Note](#)
- [Department for Education - Regulated Activity in relation to Children: Scope](#)
- [Department for Education – Keeping Children Safe in Education Statutory Guidance \(2022\)](#)
- Department of Health - [Regulated Activity \(Adults\)](#)
- [Disclosure and Barring Service – Regulated Activity with Adults in England](#)

1. Definition of a staff member under this policy

- A 'staff member' is an individual who works for or with The Place on a Permanent, Casual, Hourly-Paid, Freelance, or Voluntary basis.
- In certain instances, staff members may also be Participants in The Place's activities, including students at London Contemporary Dance School.

2. Staff members required to undertake a Disclosure and Barring Service (DBS) checks

- Any staff member working unsupervised with children (under-18s), online or in person (a "Regulated Activity").
- Any staff member working unsupervised with adults on a Regulated Activity online or in-person. These Adults are classed as "Vulnerable Adults".

At The Place, these activities are anticipated to include:

- The provision of physical support to adult Participants
- Specialised Mental Health or Counselling support to adult Participants
- Work by Registered Professionals on behalf of The Place (for example, Counselling or Health and Social Care Professionals)
- Any staff member otherwise working on a "Regulated Activity" The Place provides, online or in person (see Appendix I).
- Any staff member involved in the day-to-day management or supervision of another staff member working on a Regulated Activity.
- Where a role/opportunity advertised by The Place requires a DBS check, this will be stated on the Job Advert alongside a link to this DBS Policy.

2. Level of DBS check required and further checks for staff members who have worked or lived abroad

- Enhanced-Level DBS check including a check on the list of individuals barred from working with Adults or Children are required.
- These checks must be from within the past three years.

- For staff who have lived outside of the UK, further checks in addition to DBS checks may be made. This is so that any relevant events that may have occurred outside of the UK can be considered.

These further checks will generally be sought for Permanent staff members. However, The Place reserves the right to seek these checks for any member of staff. This decision will be informed by the nature and extent of the individual's role with The Place and any current or historic concerns about the individual The Place is aware of.

The type of checks – and what to do in the event that no further information is available via these checks – will follow the relevant statutory guidance ('Individuals who have lived or worked outside of the UK', Keeping Children Safe in Education [2022]).

- Staff members who do not require Enhanced DBS checks as part of their role may be required to undertake Basic Level DBS checks (and further checks if they have lived or worked abroad) if they encounter children or adults who may have support needs in the course of their roles.

4. Approval of the suitability of a staff member for a role following a DBS check

- The suitability of a staff member to work in a role will be made by the Senior Safeguarding Officer in conjunction with the relevant Programme Manager.
- Where the Senior Safeguarding Officer is unavailable, a nominated Deputy Safeguarding Officer will be responsible for this decision, in conjunction the relevant Programme Manager and Programme Director.
- Roles requiring DBS checks are exempt from the usual legal prohibition from asking staff members about spent criminal convictions (Rehabilitation of Offenders Act 1974). As such, staff members in these roles will be asked to disclose both spent and unspent convictions. A current list of spent and unspent conviction periods [here](#).
- Staff members will not be deemed unsuitable for a role simply because they are a person who has been convicted of a crime. The type and nature of any offences are the relevant considerations.
- Per The Place's Safeguarding Policy and Reporting Procedures, it is the responsibility of all staff members to disclose circumstances outside of their work with The Place which may call into question their suitability to work directly with Participants.

This includes but is not limited to information that may subsequently shown on a DBS check. Examples include being convicted of a criminal offence, being under police investigation or being subject to the misconduct procedures of another employer

5. The DBS process for Permanent staff members

- Permanent members of staff will require a DBS check through The Place, even in cases where they have a previous DBS check from The Place or elsewhere. This will be coordinated by HR.
- The Place will pay for this DBS check and a subscription to the DBS Update Service where required.
- The Place will thereafter conduct necessary DBS checks via the Update Service.

6. The DBS process for other staff members (including hourly-paid, casual and volunteer)

- The Place will accept a DBS check from within the past three years from The Place or elsewhere.
- In addition, or alternatively, The Place will accept a check of the DBS Update Service where the person is subscribed to that service with their consent.

The Place may be able to pay for a member of staff to have a new DBS check and/or a subscription to the DBS Update Service. This decision will depend on the anticipated extent of the individual's work with The Place.

7. 'Sensitive applications route' (DBS option for Transgender members of staff)

- The '[sensitive applications route](#)' gives Transgender members of staff the option to apply for a DBS Certificate that does not contain gender or name information that may reveal their previous gender identity.
- Members of staff, who would otherwise be eligible for a DBS check paid for by The Place, can receive reimbursement for a 'sensitive application' DBS check by requesting this from HR.

8. Programme Managers' responsibilities

a) Providing details of staff member requiring DBS checks

- Programme Managers are responsible for requesting that HR undertake DBS checks for relevant members of staff.
- Details of these staff members must be sent to HR at least 6 weeks prior to the commencement of their work with The Place.
- Requests should include the following information:
 - Which activities the member of staff will be involved in
 - How frequently the member of staff will be working on these activities
 - Details of the type and frequency of staff members anticipated future work with The Place

b) Ensuring supervision of staff without DBS checks on relevant activities

- It is anticipated that staff may from time to time be working with children or vulnerable adults without a DBS check. E.g., when staff are awaiting their DBS checks or delivering one off sessions outside their normal work.
- Programme Managers are responsible for ensuring that staff members working on relevant activities without DBS approved by The Place are always supervised by another member of staff with an approved DBS check.
- Programme Managers are responsible for sending the names of the relevant supervised and supervising members of staff to HR in the Safeguarding Risk Assessment for the activity in question.

Appendix I: Explanation of Regulated Activity with Children

Regulated activity is work that a barred person must not do and is defined in the Safeguarding Vulnerable Groups Act 2006 and is amended by the Protections of Freedoms Act 2012.

Relevant information regarding regulated activity for the purpose of this policy is as follows:

Children (Under 18s):

Encompasses:

- i. Unsupervised activities: teaching, training, instructing, caring for or supervising children, or providing advice/guidance on well-being, or driving a vehicle for children
- ii. Work for a limited range of establishments ('specified places'), with opportunity for contact e.g. schools, children's homes, childcare premises excluding work by supervised volunteers

Work under (i) or (ii) is regulated activity only if done regularly. Activity is considered regular if:

- i.
 - It is carried out by the same person frequently (once a week or more often) or;
 - It is carried out on 4 or more days in a 30-day period or;
 - It is carried out overnight (between the hours of 2am and 6am)
- ii.
 - It takes place in a regulated establishment
 - It takes place frequently (as defined above)
 - It is carried out by the same person who is engaged in work for or in connection with the purposes of the establishment*; and
 - The work gives the person the opportunity, in their work, to have contact with children

* Activity undertaken regularly in a number of different establishments, but only infrequently in each is not regulated activity. This is because each establishment is only arranging the activity infrequently, so each establishment is not a regulated activity provider in relation to that activity.

See also [Regulated Activity in relation to Children: Scope](#)

Appendix II Explanation of Regulated Activities with Adults

A Regulated Activity is any activity provided to an adult which makes the adult vulnerable at that Particular time.

Examples include healthcare, personal care, Social Work, Counselling and practical help with everyday life and affairs. If these activities are provided through family, personal and non-commercial relationships, they are not Regulated Activities.

At The Place, these activities are anticipated to include

- The provision of physical support to adult Participants
- Specialised Mental Health or Counselling support to adult Participants

A Regulated Activity also includes the day-to-day management or supervision of any person who is engaging in regulated activity.

Work by Registered Professionals on behalf of The Place (for example, Counselling or Health and Social Care Professionals)

Further information on regulated activity with adults can be found here:

See also

- Department of Health - [Regulated Activity \(Adults\)](#)
- [Disclosure and Barring Service – Regulated Activity with Adults in England](#)

Appendix III Indicative list of offences or activities that disqualify individuals from working with children or vulnerable adults

- Inclusion on the Children's or Adult's Barred List¹
- Aiding, abetting, counselling or procuring the suicide of a child or young person
- False imprisonment of an adult or child
- Being found to have committed certain violent and sexual criminal offences against children and adults e.g.:
 - Murder or manslaughter of a child, young person or adult
 - Rape
 - Lewd, indecent or libidinous behaviour or practices towards a child under the age of 17 years
 - Kidnapping of an adult or child
 - Infanticide
 - Possession of indecent photographs of a child/children
- Failure to comply with certain orders in relation to the care of children e.g.:
 - Abduction of a child in care
 - Offences relating to private fostering
 - Ill-treatment/wilful neglect of an individual
- Trafficking of people for exploitation
- Disqualification by association

Further, more detailed information about disqualifying criteria relating to children and adults is available [here](#).

¹ Working in regulated activity when listed on the children's or adult's barred list is a criminal offence, employers will be breaking the law if they knowingly employ an individual who is on a barred list.

Serious offences will result in people automatically being placed on barred lists. All DBS checks for work at The Place should include barred lists checks.

Appendix IV How data pertaining to DBS checks is used and retained

- The Place complies with its obligations under UK GDPR and Data Protection Act 2018, the DBS Code of Conduct and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of DBS certificate information.
- The Place engages an umbrella company (Atlantic Data Ltd) to process its DBS checks and takes all reasonable steps to satisfy itself that the umbrella organisation handles, uses, stores, retains and disposes of certificate information in full compliance with the DBS Code of Practice and in accordance with this policy.
- In accordance with section 124 of the Police Act 1997, certificate information is only passed to those authorised to receive it in the course of their duties. The Place maintains a record of all those to whom certificates, or certificate information has been revealed. It is a criminal offence to pass this information onto anyone who is not entitled to receive it.
- The Place does not keep any certificate information for longer than is necessary to make the relevant decision around staffing. A record of the certificate holder's name, the certificate date of issue, certificate number, counter signatory, details of any recruitment decisions taken and the person who saw the original documents will be kept for monitoring purposes.
- Other certificate information is generally kept for a period of up to 6 months to allow for consideration and resolution of any disputes and/or complaints. If, in exceptional circumstances, it is necessary for The Place to keep certificate 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 person(s) in question before doing so.
- Once the certificate retention period has elapsed, The Place will ensure that any DBS certificate information is destroyed confidentially barring the aforementioned monitoring record. This information will be stored centrally and securely by the HR Team.

Date Reviewed	Feb 2022
Next Review Due	Feb 2025
Committee	F&GP