

Updates: Previously Staff Disclosure and Barring Check (DBS) Policy. Updated to cover wider scope of disclosure of criminal records in line with currently used practices.

Previous update

May 2024

Current update

Feb 2025

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Disclosure of Criminal Records Policy

The Place's Safeguarding Commitment

The Place is committed to promoting the welfare and well-being 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 (which includes adult students at London Contemporary Dance School), we will consider ways to offer appropriate advice and support to those who may be experiencing (or are at risk of) abuse.

Our approach to safeguarding is informed by our commitment to equity, access, 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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1. Definitions

For the purposes of this policy:

- An “applicant” refers to any individual who has applied to work for or with The Place.
- A “staff member” is an individual who works for or with The Place on a Permanent, Casual, Salaried, Hourly-Paid, Freelance/Self-Employed, or Voluntary basis (including Board members), as well as Trainees in receipt of a training bursary.
- A “prospective staff member” refers to any individual who has been offered work with The Place in any Permanent, Casual, Salaried, Hourly-Paid, Freelance/Self-Employed, Voluntary, or Trainee position but has yet to take on the offered role whilst pre-employment suitability checks are undertaken.
- A “participant” refers to any individual who engages in classes at The Place, whether recreational, vocational (and pre-vocational), including students at London Contemporary Dance School. In certain instances, staff members may also be “participants” in The Place’s activities, including students at London Contemporary Dance School.
- “DBS” refers to the Disclosure and Barring Service.
- “Relevant criminal convictions” include convictions, cautions, admonitions, reprimands, final warnings, bind over orders, or similar, involving one or more of the following:
 - Any kind of violence including (but not limited to) threatening behaviour, offenses concerning the intention to harm, or offences which resulted in actual bodily harm
 - Sexual offences, including those listed in the Sexual Offences Act 2003
 - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug-dealing or trafficking (drug offences only involving possession are not relevant offences)
 - Offences involving firearms
 - Offences involving arson
 - Offences listed in the Terrorism Act 2006

If you were convicted outside of the United Kingdom for an offence listed above, this is also considered a relevant offence.

2. Related Policies and Legislation

Related The Place Policies:

- London Contemporary Dance School - [Criminal Records Policy](#)
- The Place - [Safeguarding Policy and Reporting Procedures](#)
- The Place – [Disciplinary Procedure](#)
- The Place – [Privacy, Data Protection and Information Security Policy](#)

Related Legislation and Statutory Guidance:

- [Sexual Offences Act 2003](#)
- [Terrorism Act 2006](#)
- [Safeguarding Vulnerable Groups Act \(2006\)](#)
- [Safeguarding Vulnerable Groups Act \(2006\) – Explanatory Note](#)
- [Protection of Freedoms Act \(2012\)](#)
- Department for Education - [Regulated Activity in relation to Children: Scope](#)
- Department for Education - [Keeping Children Safe in Education Statutory Guidance for Schools and Colleges \(2024\)](#)
- Department of Health - [Regulated Activity \(Adults\)](#)
- Disclosure and Barring Service – [Regulated Activity with Adults in England](#)
- Ministry of Justice – [Guidance in the Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975 \(2023\)](#)
- Home Office – [DBS Code of Practice](#)
- [UK General Data Protection Regulation \(UK GDPR\)](#)
- [Data Protection Act \(2018\)](#)
- [Police Act \(1997\)](#)

3. General Principles and Scope of Policy

This policy sets out the common approach to be followed by The Place for managing criminal record data in the following circumstances:

- Applicants applying to be a staff member of The Place
- Prospective staff members who would be involved in Regulated Activity (see Appendices I and II)
- Existing staff members involved in Regulated Activity (see Appendices I and II)

The Place has a responsibility to provide a secure, safe environment for staff members, students, participants, visitors, and others with whom we engage, in line with our Safeguarding Commitment. We must balance this commitment alongside any legal requirements (such as those that protect vulnerable individuals) when considering a criminal record in the circumstances laid out in this policy. After due consideration under its policies and procedures, if The Place determines that it is necessary to do so, it may cease to progress an application to work, withdraw an offer of work from a prospective staff member, or prevent an existing staff member from engaging in regulated activity as a consequence of a criminal record (see section 10).

4. Consideration of Criminal Convictions

Applicants, prospective staff members, nor staff members will be deemed unsuitable for a role simply because they are a person who has been convicted of a crime. Any action taken following the disclosure of a relevant criminal conviction will be fair and proportionate, taking into consideration the role relevant to the individual and the nature of the disclosure. Each case will be considered on its own merits, considering any potential risk to The Place staff members, students, participants, visitors, reputation, and the need to comply with the law. As per the Ministry of Justice's guidance, a balanced judgement will be made also considering the person's age at the time of the offence, how long ago the offence took place,

whether it was an isolated offence or part of a pattern of offending and known information about the person's conduct since the offence.

The Place will not consider any criminal convictions which are deemed "spent" under the terms of the Rehabilitation of Offenders Act 1974 and so do not need to be disclosed unless a role's requirements mean that such convictions are deemed "exceptions" under the terms of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (the Order), such as roles that require a DBS check. Convictions that are deemed "exceptions" will never be considered "spent". As such, applicants, prospective staff members, and staff members in such roles will be asked to disclose both "spent" and "unspent" convictions (see Appendix IV).

Any criminal convictions that are not deemed relevant under the terms of this policy (see section 1) do not need to be disclosed.

It is a criminal offence to knowingly employ a person to undertake regulated activities where they have been barred from undertaking those activities.

a) Applicants

Applicants are asked to disclose any unspent relevant criminal convictions at the point of application. Submissions of relevant (unspent) criminal convictions will not be disclosed to the hiring panel at any point of the recruitment process.

Applicants who disclose any relevant criminal convictions will be reviewed by the Head of HR to determine whether the application can be progressed and released to the hiring panel or if the disclosure disqualifies the candidate from further consideration. The Head of HR (or a suitable delegate from the HR Team) may contact the applicant to request further information regarding the relevant criminal conviction disclosed before a decision is reached.

b) Prospective Staff Members

Prospective staff members who hold an unspent relevant criminal conviction under the terms of this policy (see section 1) should disclose this at the point of receiving an offer of work if they failed to do so at the application stage.

The suitability of a prospective staff member who discloses a relevant criminal conviction to work in any given role will be decided by the Head of HR in conjunction with the relevant departmental senior staff member, whether the disclosure is received at the application or job offer stage.

Where the Head of HR is unavailable, a nominated suitable deputy will be responsible for this decision, in conjunction the relevant departmental senior staff member.

c) Existing Staff Members

As 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 any participants.

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

Existing staff members who commit a criminal offense whilst working with or for The Place are expected to disclose any relevant criminal conviction under the terms of this policy (see section 1) to the Head of HR immediately. They should disclose the nature of the offense, relevant dates, sentences, and court details. Staff members who make a relevant criminal

conviction disclosure will be referred to any mental health support provisions offered by The Place if needed.

Where an existing staff member discloses a relevant criminal conviction, the Head of HR may provide advice to the department in which the staff member works regarding any further action that may be required under The Place's policies, and whether any referrals to a professional body or external stakeholder are needed.

Any relevant criminal convictions relating to a child or an adult at risk will be referred to the Head of HR who will consider whether a barring referral needs to be made to the DBS and/or if the Local Authority needs to be informed. The Place's Safeguarding Policy and Reporting Procedures should be followed when dealing with any safeguarding concerns that may arise.

5. Right to Appeal

Any decisions made and/or actions taken following the disclosure of a relevant criminal conviction can be appealed under the terms of whichever of the organisation's policies was used to determine said decision/action.

6. Staff Members Required to Undertake DBS Checks

Any staff member working unsupervised with children (those under 18 years of age), in a Regulated Activity (see Appendix I), whether online or in person, is required to hold an Enhanced DBS Certificate including a check of the Children's Barred List.

Any staff member working unsupervised with adults on a Regulated Activity (see Appendix II), whether online or in person, is required to hold an Enhanced DBS Certificate including a check of the Adults' Barred List. These adults are classed as "adults at risk".

Regulated Activities at The Place that require individuals to hold an Enhanced DBS Check including an Adults' Barred List are anticipated to include:

- The provision of physical support to children or 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 that The Place provides, whether online or in person (see Appendix I), is required to hold an Enhanced DBS Certificate including a check of the Children's Barred List.

Any staff member involved in the day-to-day management or supervision of another staff member working on a Regulated Activity is required to hold the same level of DBS check as their relevant direct report.

All Enhanced DBS Certificates must have been issued no more than three years before the date of the Regulated Activity or be associated with an active online DBS Update Service subscription.

Staff members requiring an Enhanced DBS Check who have an active DBS Update Service should present their original Enhanced DBS Certificate associated with their subscription (where available) as well as confirm the certificate number and surname associated with the

subscription, and their date of birth, along with permission for a member of the HR team to check their DBS status through the DBS online checking portal.

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 policy.

7. Further Checks for Staff Members who Have Worked or Lived Abroad

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 only for Permanent/Salaried staff members. However, The Place reserves the right to seek these checks for any staff member. 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 of which The Place is aware.

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 \[2024\]](#)).

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.

8. DBS Process for Salaried Staff Members

Salaried staff members whose roles demand a DBS check under the terms of this policy are required to obtain an Enhanced DBS Check through The Place, even in cases where they have a previous DBS check from elsewhere. This will be paid for by The Place and the application process will be coordinated by the HR Team.

Salaried staff members whose roles demand an Enhanced DBS Check under the terms of this policy are also required to subscribe to the [DBS Update Service](#) and keep their application active for as long as they remain a salaried staff member in a role which requires an Enhanced DBS Check according to the terms of this policy. The Place will reimburse the cost of this subscription on receipt of a receipt and Expense Form.

Thereafter, The Place will update its records by rechecking the staff member's DBS status through the online Update Service portal once every three years. The Place will inform the staff member in advance when a check of the Update Service is due before the check is conducted.

9. DBS Process for Other Staff Members

The Place will accept an Enhanced DBS certificate issued no more than three years prior to the Regulated Activity for which is required, whether it was issued through The Place or from 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. It is preferred that the original physical DBS certificate connected to the DBS Update Service subscription is provided alongside the Update Service information where available. The staff member will need to confirm the 12-digit certificate number, their surname as it appears on their subscription, and their date of birth, for a check of the DBS Update Service to be

completed.

The Place may be able to pay for any hourly-paid staff member to have a new DBS check who requires one but does not currently hold one that is valid according to the terms of this policy. A decision on this will be made according to the anticipated extent of an individual's work with The Place by the HR Team. The Place will pay for an hourly-paid staff member's DBS check on a maximum of one occasion only. Thereafter, individuals will be responsible for covering the costs of any subsequent DBS check applications and/or subscriptions to the DBS Update Service.

The Place will not cover the costs of DBS checks for any individuals who are engaged on a Freelance/Self-Employed basis unless a specific agreement to do so has been included under the terms of their contract.

10. Sensitive DBS Applications Route for Transgender Staff Members

The [Sensitive Applications Route](#) gives transgender staff members the option to apply for a DBS Certificate that does not contain gender or name information that may reveal their previous gender identity.

Staff members, 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.

11. Departmental Senior Staff Members' Responsibilities

a) Providing Details of Staff Members Requiring DBS Checks

Relevant departmental senior staff members are responsible for requesting that HR undertake DBS checks for relevant staff members.

Details of these staff members must be sent to HR at least six weeks prior to the commencement of their work with The Place.

Requests should include the following information:

- Details of the Regulated Activities in which the staff member will be involved
- How frequently the staff member will be working on these activities
- Details of the type and frequency of said staff member's anticipated future work with The Place

b) Ensuring Supervision of Staff Without DBS Checks

It is anticipated that staff members may (from time-to-time) be working with children or adults at risk without a valid DBS check (e.g. when staff members are awaiting their DBS checks or delivering one-off sessions outside of their normal work).

Relevant departmental senior staff members are responsible for ensuring that staff members working on relevant activities without a DBS check approved by The Place are always supervised by a relevant member of permanent staff who does hold an approved DBS check.

Relevant departmental senior staff members are responsible for sending the names of the relevant supervised and supervising staff members to HR in the Safeguarding Risk Assessment for the activity in question.

12. Failure to Disclose Relevant Criminal Convictions

Staff members who fail to disclose a relevant criminal conviction which later comes to light through a DBS check or other means will be subject to The Place's Disciplinary Procedure, including a formal investigation, and may result in dismissal without notice.

13. Data Processing, Confidentiality, and Record Keeping

Information concerning relevant criminal convictions of applicants, prospective staff members, and staff members will be collected, processed, and retained solely for the purposes of deeming if individuals are suitable for specific roles working for and/or with The Place and its relevant legal obligations. Data concerning criminal convictions will be treated sensitively, confidentially, and in accordance with General Data Protection Regulations (GDPR), other relevant legislation, and The Place's Privacy, Data Protection and Information Security Policy.

a) DBS Certificates

The Place complies with its obligations under UK GDPR and Data Protection Act 2018, the DBS Code of Practice, and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of DBS certificate information.

The Place engages umbrella companies to process its DBS checks and takes all reasonable steps to satisfy itself that the umbrella organisations handle, use, store, retain, and dispose 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, DBS 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 six 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 six months, we will consult the DBS about this and will consider 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.

b) Applicant Conviction Disclosures

Data concerning applicants (including any disclosures of relevant criminal convictions) will be kept for 12 months from the date of their most recent application, at which time they will be contacted to ask if they would like us to extend this retention period. Data from applicants that do not extend this period either by written notice or by lack of response to the extension request will be deleted. Applicants who are not being considered for work in an active recruitment process (either due to withdrawal of their application or closure of a vacancy) can request deletion of their data at any time.

c) Prospective Staff Member Conviction Disclosures (Outside DBS Checks)

Data disclosing relevant criminal convictions of prospective staff members will be retained for a period of up to six months to allow for consideration and resolution of any disputes and/or complaints should the offer of work be withdrawn. If, in exceptional circumstances, it is necessary for The Place to keep this information for longer than six months, we will consider the Data Protection and Human Rights of the person(s) in question before doing so.

d) Staff Member Conviction Disclosures (Outside DBS Checks)

Data concerning relevant criminal convictions of staff members not revealed by a DBS check will be retained by the HR team until said convictions are deemed “spent” (see Appendix IV) after which time said information will be deleted.

Relevant criminal conviction data for staff members that leave employment/engagement with the organisation before the conviction is deemed “spent” may be retained within The Place’s Confidential Risk Register and staff historical personnel files if said conviction(s) may affect decisions related to future re-employment of that individual at The Place.

Data will not be retained longer than is reasonably necessary in line with General Data Protection Regulations (2018) and the Data Protection Act (2018).

Appendix I: Explanation of Regulated Activity with Children

Regulated activity is work that a barred person must not do, defined in the Safeguarding Vulnerable Groups Act 2006 and 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 or 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
- 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)

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 Adults at Risk

- 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 including but not limited to:
 - 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 including but not limited to:
 - 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

¹ Working in regulated activity when listed on the Children's or Adults' Barred List is a criminal offence, employers will be breaking the law if they knowingly employ an individual who is on a barred list to do so.

Serious offences will result in people automatically being placed on a barred list.

Appendix IV: Spent and Unspent Convictions

A current list of rehabilitation periods, after which convictions are deemed spent, can be found [here](#).