



## **DISCLOSURE AND BARRING SERVICE (DBS) POLICY**

### **SCOPE**

As part of the Soil Association's recruitment process to help safeguard the children and adults who access our services, we may request a criminal record check processed through the Disclosure and Barring Service (DBS). For roles based in Scotland checks will be processed by Disclosure Scotland and roles based in Northern Ireland will be processed by Access Northern Ireland.

For certain roles the check will also include information held on the DBS's children and adults barred lists, together with any information held locally by police forces that is reasonably considered to be relevant to the post.

DBS checks are used to assist the Soil Association in making safer recruitment decisions; however, the check forms just one part of our robust recruitment practice.

This DBS policy provides guidance on the effective use of the DBS disclosure process.

### **RELATED SOIL ASSOCIATION POLICIES**

- Safeguarding Children, Young People and Adults at Risk Policy
- Whistleblowing Policy
- Recruitment Policy
- Candidate Privacy Policy
- Recruitment of Ex-Offenders Policy

### **DBS DISCLOSURES AND WHEN TO USE THEM**

To determine the type of DBS Disclosure that will be required, the line manager along with HR will conduct a review of the role and determine through a risk assessment, the right level of DBS check required. Food for Life have assessed the role and DBS eligibility for certain FFL job groupings (see Appendix 1 Food for Life roles DBS eligibility).

The role will be checked by line managers at point of vacancy and will advertise the level of check required to candidates. Line managers will also be responsible for the on-going reassessment of the post/work to ascertain if the level and type of contact the individual has with children and/or adults at risk has changed and, whether it's necessary, to initiate a new DBS Disclosure.

Four types of DBS checks are available Enhanced, Standard and Basic

1. **Enhanced Disclosure with barred list check (Children and /or Adults)** - used when someone is undertaking regulated activity relating to children and/or adults. Involves a check of the police national computer, police information and the children's and/or adults barred list.
2. **Enhanced Disclosure (Children and /or Adults)** - as above except for the check on the children and/or adults barred list
3. **Standard Disclosure** - used primarily for people entering certain professions e.g. legal and accountancy professions. Involves a check of the police national computer only
4. **Basic Disclosure** – used where someone will be supporting the work of a department closing working with children, young people or adults at risk and may work directly with these groups occasionally themselves, and/or have access to information or data. A self-disclosure form at point of conditional offer will not be requested.

## RECRUITMENT AND DBS DISCLOSURES

Where a post is identified as requiring a DBS check, candidates will be notified of this in the recruitment information and advised that the offer of employment and successful probation will be subject to a satisfactory DBS Disclosure.

The Disclosure and Barring Service (DBS) offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route and is available for all levels of DBS check. The sensitive applications route gives transgender applicants the choice not to have any gender or name information disclosed on their DBS certificate, that could reveal their previous identity. To find out more information about this service please visit

<https://www.gov.uk/guidance/transgender-applications>

For internal appointments a DBS Disclosure from a previous position within the organisation will be acceptable in the following instances:

- Where the type of DBS Disclosure is the same for the old and new post; and
- Where the individual has not had a break in service of more than three months; and
- Where the new work does not represent a significant increase in responsibility for, and contact with, children and/or adults

Should convictions or discrepancies in information be reported through a DBS check, a risk assessment will be completed by the line manager and HR (see Appendix 2) which may result in the offer of employment being withdrawn. Any person already in employment may be dismissed in accordance with the Soil Association's Disciplinary Procedure.

It is illegal for the Soil Association to employ an individual to work in regulated activity with children if they have been barred through the DBS Children Barred list, or equally someone to work with vulnerable adults who is barred through the

DBS Adult Barred List. Should an application be received from an individual already barred from working with children or adults the Soil Association is legally required to report the individual to the relevant authorities.

## **RECRUITING FROM OVERSEAS**

DBS Disclosures do not record convictions committed abroad. When recruiting candidates who have spent a period living or working abroad, a DBS Disclosure will be obtained in the normal way and a DBS Disclosure or equivalent from the country(s) they worked in will be required as well.

## **VALIDITY AND FREQUENCY OF DBS DISCLOSURES**

There is no period of validity for a DBS Disclosure. Any information revealed on a DBS Disclosure will be accurate at the time the certificate is issued and will technically be out of date immediately as a new criminal conviction may be recorded against the individual at any time after the issue date.

It is the employee's responsibility to inform their line manager immediately if, following their appointment, they are subsequently cautioned, charged, summonsed or convicted of a criminal offence. Failure to do so may lead to disciplinary action. Grounds for cause for concern could include, but are not limited to, allegations of suspicious or inappropriate behaviour in connection with another adult person, or a child.

## **DBS UPDATE SERVICE**

For a small annual subscription to the DBS, applicants can have their DBS Certificate kept up to date and take it with them from role to role, within the same workforce, where the same type and level of check is required.

Where applicants or Soil Association employees are members of the DBS Update Service, and it is appropriate to do so, we may, with their permission, carry out an instant online check to see if any new information has come to light since their certificate was issued rather than asking them to apply for a new certificate.

We will use this service for the appointments of new staff in roles that require a DBS check, for our three yearly checks and/or when we have cause for concern as detailed above.

If online checks inform us that new information has been added to an applicant's DBS record, we may request for a new DBS application to be made to find out further details.

## **EMPLOYMENT OF EX-OFFENDERS**

The Soil Association does not specifically ask prospective employees if they have a criminal record unless they are to be employed working with adults at risk, children under the age 18 or in a position of crucial trust.

Potential employees being interviewed for positions of crucial trust e.g. within Finance, Fundraising, HR, or at senior management level may be asked to reveal any 'unspent convictions', as defined in the Rehabilitation of Offenders Act 1974. Please see our Recruitment of Ex-Offenders Policy to support this process.

## **STORAGE & DATA PROTECTION**

The Soil Association complies fully with the DBS Code of Practice, Disclosure Scotland's Code of Practice and Access Northern Ireland's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. The Soil Association also complies fully with its obligations under the Data Protection Act 2018, GDPR regulations and other relevant legislation pertaining with the safe handling, use, storage, retention and disposal of Disclosure information.

Disclosure information will be kept securely, in lockable, non-portable, storage containers or electronically with access strictly controlled and limited to those who are entitled to see it as part of their duties.

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. The Soil Association maintains a record of all those to whom Disclosures or Disclosure information has been revealed and acknowledges that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

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.

Once a recruitment (or other relevant) decision has been made, the Soil Association will not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six 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 six months, the Soil Association will consult the DBS, Disclosure Scotland or Access Northern Ireland about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will continue.

Once the retention period has elapsed, the Soil Association will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping, burning or deleting electronic files. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The Soil Association 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, the Soil Association may keep a record of:

- the date of issue of a Disclosure

- the name of the subject
- the type of Disclosure requested
- the position for which the Disclosure was requested
- the unique reference number of the Disclosure and
- the details of the recruitment decision taken

**Date of Issue:** 2008

**Date of Update:** November 2020

**Date of review:** November 2021

**Contact Point:** Human Resources team

**Distribution:** All Soil Association and Soil Association Certification employees

## APPENDIX 1 - SOIL ASSOCIATION ROLES DBS ELIGIBILITY

Role	DBS Level	Reasoning
<b>Food For Life field-based programme teams:</b>		<b>DBS check always required</b> Roles which require working in “specified establishments” with opportunity for relatively frequent contact with children (e.g. in schools, early years settings). This is defined as “regulated activity” and as such this level of check is required by law.
- Local Programme Managers & Officers	Enhanced with barred list - Children	These roles undertake “regulated activity” with children as defined by having the opportunity for face-to-face contact with children/young people, more than three times per month, even if visits are to different schools / settings.
- Get Togethers Regional Managers and Engagement Officers	Enhanced with barred list- Children Enhanced (no barred check)- Adults	These roles undertake regulated activity with children (as above). They have opportunity for contact with adults at risk (e.g. community groups, care homes) but activities do not meet the definition for regulated activity with vulnerable adults.
- Senior Programme Managers	Enhanced with barred list - Children Enhanced (no barred check) - Adults	These roles provide day to day management or supervision of staff carrying out a regulated activity, which itself constitutes a regulated activity.
<b>Specific Food for Life delivery roles</b>		<b>DBS check always required</b>
- All roles in FFL Training team - Senior Education Officer - Senior Engagement Officer - Senior Service Design Manager	Enhanced (no barred list check) - Children and/or Adults	Roles which require working in “specified establishments” with opportunity for contact with children (e.g. schools, nurseries) but not on a very frequent basis (three times or less per month). They have opportunity for contact with adults at risk (e.g. community groups, care homes) but activities do not meet the definition for regulated activity with vulnerable adults.

<b>All other Food for Life roles (office or home-based)</b>	Basic	<b>DBS check may be required -</b> a role risk assessment will be undertaken. These roles are within a department supporting programme delivery involving settings with children, young people or adults at risk (no personal details are held re children/adults at risk by FFL). These roles do not typically visit settings themselves but can potentially encounter children, young people or adults at risk on an ad hoc basis through work activities e.g. events, communications or impact work.
<b>Finance roles (such as COO, Group/Cert Financial Controllers, Finance Team)</b>	Basic or Standard	<b>DBS check may be required.</b> These roles have responsibility for accounts systems and controls and access to bank accounts and therefore may require a check. The profession may also require it subject to the role performed.

<https://www.gov.uk/dbs-check-applicant-criminal-record>

The following tool has been used to assess the type of Disclosure and Barring Service (DBS) check that is appropriate for different roles <https://www.gov.uk/find-out-dbs-check>, as well as advice from our umbrella body company esafeguarding ltd ([www.esafeguarding.co.uk](http://www.esafeguarding.co.uk))



## APPENDIX 2

DBS DISCLOSURE - RISK ASSESSMENT FORM			
<b>SECTION 1: Applicant Details</b>			
Name of Applicant		Date interviewed	
DBS Certificate No.		Date DBS returned	
Name of Recruiting Manager			
<b>SECTION 2: Risk Assessment</b>			
Does the applicant meet essential criteria for the post (skills, knowledge & ability?)			Yes No
Is the type/nature of offence(s) directly relevant to the post?			Yes No
Please provide details:			
When did the relevant offence(s) occur?			
What was the age of the applicant when the offence(s) occurred?			
Which country did the offence(s) take place?			
If the offence(s) took place in a country outside the UK is it considered an offence in the UK?			Yes No
Has there been a repetition or pattern of related offences?			Yes No
Has there been any change in the law regarding the offence(s) (check if there has been decriminalisation)			Yes No
Considering all the information above, is the offence(s) still relevant to the application?			Yes No
Please provide details:			
What level of supervision will the post holder have?	Close	Minimal	
Did the applicant declare the relevant offence(s) in his/her application?			Yes No
Does the information provided by the DBS match the information provided by the applicant?			Yes No
Were the offences discussed with the applicant at interview?			Yes No
Has the applicant provided any more information regarding the circumstances of the offence(s) revealed by the DBS?			
Please provide details:			

Is there any information available that the applicant demonstrates remorse and a determination not to re-offend?	Yes	No
Please provide details:		
Have references been received? (written/verbal)	Yes	No
What do the references say about the applicant's suitability for the post?		
In light of the above does the applicant constitute an unacceptable 'risk'?	Yes	No
Please provide details:		

### SECTION 3: Recruiting Manager's Declaration

Name:

Declaration:

I understand the policy on the employment of ex-offenders. I have sought advice as necessary and having considered the complete assessment, I believe the applicant **does** \*/ **does not**\* constitute a risk and **should**\* / **should not**\* be offered this post.

Signed

Date

### SECTION 4: To be completed by the relevant Director & HR

Name:

I **agree**\* / **disagree**\* with the decision to appoint /not appoint\* the applicant for the above reason(s).

Signed

Date

\*delete as required