

Criminal Records Checking, Disclosure and Barring Service (DBS) and Baseline Personnel Security Standard (BPSS) checking

Guidance when applying for a post that requires a DBS

This guidance sets out the approach that we take when recruiting colleagues/applicants to posts that involve working with children or vulnerable adults which would require us to carry out a check of criminal records.

We're committed to equality of opportunity for all colleagues and applicants, and we aim to select people for posts based on their skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

We will comply with our legal obligations in relation to recruiting people to work with children or vulnerable adults.

What is a DBS check?

The Disclosure and Barring Service (DBS) in England and Wales provides criminal records checks for employers, staff, or applicants.

There are different levels of DBS checking (more details below) and each type of certificate will show different information. Even the most basic type of check will highlight recent criminal convictions, and will state the court, date and penalty imposed.

Older convictions for non-violent crimes, which are often considered "spent" and forgotten about, will not show on a basic DBS check but may show on a more advanced check. Similarly, more detailed checks will show information held about someone on police files which may be relevant to the job or position in question, but which has never resulted in a caution or conviction.

A DBS check is different from the Disclosure of Criminal Convictions check that is usually completed as part of the pre-employment checks and controls an employer makes as part of an employment offer.

A Disclosure of Criminal Convictions is where applicants who have been offered employment, disclose all criminal convictions, whether spent or unspent (other than where protected cautions and protected convictions don't need to be disclosed, depending on the job concerned). As part of the offer process, we ask all applicants to complete the *details of convictions schedule* form, providing details of any unspent convictions.

Who needs a DBS check?

Not everyone who works or wants to work for Thirteen will need to have a DBS check; it really depends on the type of role that you're applying for. For many occupations, a detailed check is not required.

The type of roles within Thirteen that will require a DBS check are those where you might be working with children or vulnerable adults. For example, assistive technology support, housing support caretakers, support service workers, tenancy support co-ordinators and employability caseworkers.

Offers of employment at Thirteen and DBS checks (applies to new applicants only)

An offer of employment for a post involving work with children or vulnerable adults will be conditional on you satisfying our usual requirements for employment (for example, providing two satisfactory references, medical clearance, evidence establishing right to work in the UK, the completion of a BPSS verification record if applicable to the role, and certificates of qualifications essential to the job profile).

For some posts as mentioned above, the offer of employment will also be conditional on satisfactory completion of DBS checks. If you refuse to agree to an application to the DBS or a DBS check is completed but you refuse to allow us to see the DBS certificate, we'll consider this as **not** having satisfactorily completed the DBS check.

No job applicant will be permitted to start employment with Thirteen until all specified conditions are satisfied.

Not all criminal convictions will be a bar to employment. The results of a DBS check will be considered on an individual basis, and we'll act proportionately when deciding whether to proceed with the appointment to the post. However, the protection and safeguarding of children and vulnerable adults is Thirteen's main priority.

Types of Disclosure and Barring Service check

There are four types of Disclosure and Barring Service (DBS) check:

1. **Basic disclosure:** Shows details of unspent convictions only.
2. **Standard disclosure:** Shows details of spent convictions, unspent convictions, reprimands, cautions and final warnings that have not been filtered.
3. **Enhanced disclosure:** Shows details of spent convictions, unspent convictions, reprimands, cautions and final warnings that have not been filtered and a check of local police records.
4. **Enhanced disclosure with barred lists check:** Shows details of spent convictions, unspent convictions, reprimands, cautions and final warnings that have not been filtered, and a check of local police records and the barred lists held by the DBS.

DBS checks and Thirteen

For the roles that require it, colleagues and applicants must give Thirteen their permission to apply via a responsible organisation for any of the four types of DBS disclosures. This permission is confirmed when you complete the *disclosure and barring service identity and consent form*. The last page asks you to confirm your consent along with a signature and date. For GDPR purposes, we'll only retain a copy of this last page on the colleague's or applicant's file.

Process for DBS checks

If you're offered a role for which a DBS is required, we'll give you an application form to complete and return to us alongside documents to prove your identity.

We'll send the completed form to the DBS together with the application fee. Once the check has been carried out, the DBS will send the certificate to you for your records.

They will also notify us when the DBS has been **cleared**. We'll only ask to see your DBS certificate if the check has come back as **not cleared**.

If the check is returned as not cleared, you'll be invited to a meeting with a member of the people team and the team manager to present the certificate and discuss the matter in more detail.

On rare occasions, if a check isn't returned by a role start date, we'll put measures in place via your manager and HR business partner. This could mean certain duties cannot be carried out until that check comes back cleared.

If you're a member of the DBS update service, with your permission we'll carry out a status check on any current certificate.

HMG Baseline Personnel Security Standard (applies to applicants only)

The HMG Baseline Personnel Security Standard (BPSS) provides pre-employment controls for all civil servants, members of the armed forces, temporary staff, and government contractors.

The personnel security controls must be applied to anyone who in the course of their work, has access to government assets. This could include Thirteen's contracts linked to the government, for example the Ministry of Justice, where we must also adhere to these checks.

Implementation of the BPSS is mandatory and we'll make every effort to complete the BPSS. But where it can't be applied this will be risk-managed and the details recorded for audit purposes, and a copy placed on the applicant's file.

The application of the BPSS is to ensure that we employ people who are entitled to work in the UK, who have the honesty, integrity and values needed for government-related work.

The BPSS is a mandatory pre-employment control to address the problems of identity fraud, illegal working, and deception generally, and replicate the pre-employment checks we would normally carry out at Thirteen.

The BPSS includes verification of four main elements:

- Identity
- Nationality and immigration status (including an entitlement to undertake work)
- Employment history (past three years)
- Criminal record (unspent convictions only).

Applicants also need to account for any significant periods (six months or more in the past three years) of time spent abroad.

Information collected at each stage of the process will be reviewed, assessed, and recorded on the BPSS verification record, which a member of Thirteen's people team will complete based on information gathered throughout the new starter process. Refusal by the applicant to provide any of the required information will be taken into account in our employment decisions.

A copy of the BPSS verification record will be placed on the colleague's file.

Data protection

We process information about a person's criminal convictions in-line with our data protection policy. Data collected during recruitment is held securely and accessed by, and disclosed to, people only for the purposes of completing the recruitment process. Inappropriate access or disclosure of a colleague's or applicant's data constitutes a data breach and should be reported immediately - in accordance with Thirteen's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under our disciplinary procedure.

Once someone is recruited, information about their criminal record gathered during the vetting process will not be transferred to their personnel file.

We're committed to going through the proper DBS channels to establish whether or not someone has a criminal record. Thirteen won't require colleagues or applicants to use their subject access rights under data protection provisions to provide criminal record details.

Disclosure and Barring Service (DBS) for Applicants Process Flow

