

# ESSEX COUNTY SHORT MAT BOWLS ASSOCIATION



## BOWLING CODES OF PRACTICE

### DBS APPLICATION PROCESS

This page is for those who have been asked, as part of a recruitment or licensing process, to apply for a Disclosure.

#### **Introduction**

The Disclosure and Barring Service (DBS) [formerly the Criminal Records Bureau (CRB)] provides access to criminal record and other relevant information to employers and licensing authorities in England and Wales. The results of the checks carried out by the DBS help organisations make more informed decisions when recruiting people to work with children and the vulnerable adults.

DBS checks are also available to certain specified professional, licensing and regulatory bodies whose employees or volunteers are not necessarily in direct contact with the vulnerable.

Through the Disclosure service, organisations can ensure greater protection for the vulnerable members of our society and afford greater protection to their customers, staff, volunteers and ultimately their organisation.

#### **What information is available through a DBS check?**

A DBS check can provide access to a range of different types of information, such as information:

- held on the Police National Computer (PNC), including Convictions, Cautions, Reprimands and Warnings in England and Wales, and most of the relevant convictions in Scotland and Northern Ireland may also be included. (The DBS reserves the right to add new data sources).
- held on lists maintained by the Disclosure and Barring Service (DBS);

Not all applications for those working with children or vulnerable adults will be eligible for a check against lists held by the Disclosure and Barring Service. For the latest details on

which posts or sectors are entitled to request such checks please refer to the DBS Web-site (part of the Home Office web-site).

The DBS **does not** check whether an applicant is permitted to work within the UK. The employer has liability for ensuring that the person they intend to employ does not have any restriction on their ability to take up employment within the UK.

### **Why might I be asked to apply for a DBS check?**

You may have been asked to apply for an Enhanced DBS check if:

- you will be working with children or vulnerable adults in timescale which is viewed as Intensive under the Safeguarding of Vulnerable Groups Act [deemed under present revised guidelines to be 4 or more days in one month or overnight] particularly in an unsupervised role;
- you are in a rôle which is seemed to be "supervisory" in relation to children or vulnerable adults.
- you are a SO or WO and hold confidential material such as Voluntary Declarations or records of DBSs for coaches or other people in your club;
- you undertake a rôle, which may be supervised, but have been requested by your club to obtain a DBS (as a result of the club having undertaken a risk assessment or your rôle).

A DBS check may also be required for a range of other types of job or licences. To find out more please contact the CRB information line or visit the information page on the CRB web-site.

### **Who can apply for a DBS Check?**

DBS checks cannot be obtained by members of the public directly but are only available to organisations and only for those professions, offices, employments, work and occupations listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974.

For this reason your application will be processed either by your employer, if it is registered with the DBS, or a third party organisation, called an Umbrella Body, which is registered with the DBS.

### **What ID documents will I need to supply when I apply for a DBS check?**

You will be asked to provide three documents: One document from Group 1 plus any two documents from Groups 1 or 2, or five documents from Group 2.

Information on the DBS can be found in the Directgov web-site,

Go to [www.gov.uk/disclosure-barring-service-check](http://www.gov.uk/disclosure-barring-service-check) to access information on how to apply and what documents are acceptable and to fill out application forms

### **What is an Enhanced DBS Check?**

This is the highest level of check available to anyone working in regulated activity with children or vulnerable adults. It is also available in certain licensing purposes and judicial appointments. Enhanced DBS checks contain the same information as the Standard Disclosure but with the addition of;

- any relevant and proportionate information held by the local police forces.
- a check of the new Children and or Vulnerable Adults barred lists where requested.

The DBS recognises that the Standard and Enhanced Disclosure information can be extremely sensitive and personal, therefore it has published a Code of Practice and employers' guidance for recipients of Disclosures to ensure they are handled fairly and used properly.

A copy of Enhanced Disclosure will be sent out to the applicant as well as the Registered Body.

### **Can I refuse to apply for a DBS check?**

Yes, an employer or licensing authority must have your permission to request a Disclosure; this is given when you sign the application form.

However, there are some posts for which a DBS check is required by law. If you refuse to apply for a CRB check in this instance, the organisation may not be able to take your job or licence application any further.

If you are currently working and your employer asks you to apply for a DBS check, you may be able to refuse if your contract of employment does not refer to a Disclosure and Barring Service check, unless a change in legislation has made such a check mandatory.

### **I already have a DBS or CRB Check, can I use it again?**

If you are asked to apply for a DBS check and you already have one for a previous role you can ask if the organisation is willing to accept it. However, under the recommendations of the Child Protection in Sport Unit (CPSU) it is normally treated as only being valid for a 3 year period.

Ultimately, it will be the organisation's decision whether to accept it or not. This re-use is called "Portability"

### **Portability of DBS Disclosures**

**Portability** refers to the re-use of a DBS Disclosure obtained for a post in one organisation and later used for a position in another.

In common with the DBS, The Joint Panel for the Protection of Children and Vulnerable Adults does not endorse the use of a previously issued Disclosure due to the limitations and risks involved. If a Club or Association relies on a previously issued Disclosure, it should carefully assess the degree of risk in not obtaining up to date information regarding the applicant. The following are examples:

#### ***Limitations***

- The Disclosure may not be at the correct level, ie, Standard instead of Enhanced.
- The Disclosure has no formal period of validity. It's information based on information at the date of issue may be out of date and not reflect the current situation.
- The Disclosure may not have included checking of the relevant lists held under the Disclosure and Barring Service.

#### ***Risks***

- A previously issued Disclosure will not satisfy any requirement, legal or otherwise, for a fresh check.
- There is no guarantee that the Registered Body concerned with the previous Disclosure accurately and fully verified the person's identity.
- The personal details (Name, address etc) may not now be valid. (a check on identity documents should be carried out.)
- Have you permission to verify the Disclosure with the former employer or Registered Body?

There are, however, plans under legislation being drafted to put to Parliament to enable DBS Disclosures to become “Portable (transferable)” to enable a DBS to be used for rôles of a similar nature for a similar group giving the “employer” the ability to verify an existing DBS. However, this will not remove the responsibility of the “employer” to do a proper risk assessment to ensure they fulfil their duty of care.

### **How do I pay for my DBS check?**

The DBS charges an application fee for processing a request for a Disclosure check.

Payment for a DBS check can be made by personal cheque or postal order but some organisations may pay for the DBS check on your behalf. Please check with the person who has asked you to apply for the DBS check to see if this is the case.

If you are a volunteer, the DBS will issue the check free-of-charge, your employer will be able to tell you whether the post meets the DBS’s definition of a volunteer.

### **Am I entitled to a free of charge DBS check?**

A free of charge DBS check will be issued if you can meet the volunteer criteria:

The Police Act 1997 (Criminal Records) Regulations 2002 defines a volunteer as a person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.

### **How do I apply for a DBS Check?**

An individual cannot make an application for a Disclosure directly, and the Disclosure service does not apply to those people who are self-employed. This is because there needs to be an independent person who makes the decision to employ an individual having assessed that they pose no threat to either children or vulnerable adults in their care. If a person is self-employed there is no independent third party to make that decision.

There are two ways of applying for a DBS check. You will either be asked to:

- telephone the Disclosure application line on 0870 90 90 844, in which case you will need to provide the Registered Body name and number (Please have this information to hand when calling), or
- complete a paper application form handed to you by the person who asked you to apply.

In both instances, you will have to provide evidence of your name, address and date of birth, along with the Registered Body name and number, and the level of DBS check. This will help the person who asked you to apply, confirm your identity.

A guidance booklet on how to complete the new application form can be found [here](#). The DBS Web-site also has some useful notes on completing the new form click [here](#) to find out more.

### **Who will receive my DBS Check?**

When the application is processed, the DBS sends out a certificate to you. However, you are required to supply your National Safeguarding Officer/ Welfare Officer with a copy of the DBS Certificate as well as show it to your local Safeguarding/ Welfare Officer as the only copy is sent to you.

### **How do I know that the information contained on my DBS Check will remain confidential?**

Organisations using the Disclosure service must comply with the DBS Code of Practice which is there to make sure that any information revealed is used fairly and kept securely. Also, the DBS is committed to compliance with the Data Protection Act. This means that any personal information that you submit to us will be protected.

Under the provisions of the Code of Practice, sensitive personal information must be handled and stored appropriately and must be kept only for as long as it is necessary. The Code of Practice is published on the DBS website, or you can request a copy from the person who asked you to apply for the DBS check.

### **What if I have a criminal record that may not be relevant to the position for which I am applying?**

Safeguards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are not treated unfairly. Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974. In addition, the DSB and the Chartered Institute of Personnel and Development (CIPD) have developed guidance information for employers on this matter.

### **What if things go wrong?**

The DBS has established a comprehensive complaints process and, as part of its commitment to provide a high standard of customer service, we will always:

- act fairly and impartially
- communicate effectively
- deal promptly with all enquiries
- endeavour to learn from our mistakes

**For how long is a DBS Check valid?**

Each Disclosure will show the date on which it was printed. DBS Certificates do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the DBS check at any time after it is issued. The Association of Bowling Codes (ABC) Safeguarding Panel for Bowls require that DBS Clearances are renewed every three (3) years in line with guidance received from the Child Protection in Sport Unit (CPSU) [part of the NSPCC].