



**Surrey Heath Borough Council
Human Resources**

Criminal Record Check Policy

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1. Introduction

The purpose of this document is to provide guidance for Human Resources, recruiting managers, current employees and Surrey Heath Borough Council applicants regarding the process of Disclosure and Barring Service (DBS) the Baseline Personnel Security Standard (BPSS).

As an organisation using the DBS and BPSS to assess applicants' suitability for positions of trust, Surrey Heath Borough Council complies fully with the relevant codes of practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

The verification of a person's criminal record will help us to make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

2. Scope

The Criminal Record Check policy is for use by Human Resources and recruiting managers when recruiting and selecting staff both internally and externally and furthermore to ensure the Council carries out status updates which includes repeating the DBS check when necessary.

In accordance with the BPSS guidelines, **all staff** may be subject to BPSS-compliant pre-employment checks upon offer of employment to a position working directly for the Council or on its behalf. The level of checks completed will be determined by the role that is being recruited.

Agency staff will also be required to meet baseline security standards, but the responsibility for carrying out the relevant verifications falls on the direct employer, i.e. the agency. However, local security protocol dictates that identification and immigration documents should be verified again by Council staff prior to the start date. Human Resources will liaise with recruitment agencies to ensure that agency and Council verification responsibilities have been met.

3. Policy Statement

The Council recognises the importance of following best practice at all stages of the recruitment process which includes ensuring a DBS or Basic Disclosure checks are carried out for identified roles. It is also essential the Council carry out status checks at appropriate intervals to ensure the Council are aware of any changes to an employee's criminal record which might impact their ability to carry out their role.

The policies and procedures outlined in this document will continue to be reviewed on a regular basis and will be subject to amendment in line with changes in the law or HMG guidance.

This policy and procedure should be read in conjunction with the following policies and all other relevant policies which apply:

- Recruitment Policy & Procedure
- Disciplinary Policy
- Safeguarding Policy
- Code of Conduct Policy

4. Equality Impact Assessment

The Council's Equality Scheme demonstrates its commitment to equality internally and externally and ensures that all sections of the community are given an opportunity to contribute to the wellbeing of the community. An equality impact assessment has been carried out on this Policy and Procedure. This policy will also support those employees with protected characteristics in relation to the implementation of the procedures.

The Council ensures that consultation is representative of the community and that consideration is given on how to consult hard to reach groups and will positively learn from responses.

5. Types of Criminal Record Checks

Agency	Type of check	What it will check for
DBS	Basic Disclosure	Unspent convictions and conditional cautions
DBS	Standard	Spent and unspent convictions, cautions, warnings and reprimands
DBS	Enhanced	Same info as standard also includes other non-conviction info the police believe is relevant
DBS	Enhanced Check for Regulated Activity	Same info as enhanced also includes Children's and Adults Barred list

The majority of roles will be identified at the recruitment stage as to whether a criminal record check is required. The Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 lists the types of work, employment or professions for which Surrey Heath Borough Council can ask for a criminal record check to be obtained. Human Resources will be able to provide further information regarding the roles that require a DBS or Basic Disclosure check.

If your role requires a satisfactory criminal record check, it is unlikely you will be able to start employment at Surrey Heath Borough Council until we have received the results of your check. Human Resources will be able to provide further guidance regarding this and the processing times of criminal records checks.

6. BPSS Compliant Pre-employment Check

6.1 Some roles within Surrey Heath Borough Council will require a Basic Disclosure to be performed in order for us to meet the Baseline Personnel Security Standard (BPSS). The BPSS is a government standard, which sets out the minimum standard to ensure the identity and integrity of an employee who has access to official information. The BPSS pre-employment check include:

- i) identify verification.
- ii) immigration status verification.
- iii) reference check (covering 3 years occupational history).
- iv) criminal record check (where appropriate).

- 6.2** Staff will need to meet BPSS requirements if they are, or are going to be, a user of PSN services or data, use PSN/GCSx email, or use a PSN connected network or have onwards access to PSN/GCSx email, data or services. In addition, some roles, including ICT roles will require a Basic Disclosure check if they support certain portals or IT systems where access to official information is possible.
- 6.3** If your role requires you to meet BPSS standard and requires a DBS check you will not need to undertake a Basic Disclosure as well. The DBS is sufficient to meet the BPSS standard.

7 Criminal Record Checks

7.1 In accordance with HMG BPSS requirements, staff must undergo a criminal record check if they are in a role where this has been identified as necessary. Please contact Human Resources who will confirm whether it is necessary to carry out a DBS check.

7.2 Roles identified as requiring a criminal record check fall under the following:

Basic Disclosure – Unspent convictions and conditional cautions

Standard Disclosure – spent and unspent convictions, cautions, warnings and reprimands

Enhanced Disclosure – same information as a standard check but can also include other non-conviction information that the police believe is relevant to the workforce applied for

Enhanced Disclosure with Barred List Checks –same information as an enhanced check and will include a check of the Children’s Barred List, and Adults Barred List or both.

7.3 The above checks (not including Basic Disclosures) are requested directly from the DBS. Surrey Heath Borough Council use an umbrella body (strictly education 4s) to submit DBS checks.

7.4 Application procedure

7.5 Disclosure and Barring Service (DBS) Checks (Standard & Enhanced)

Individuals working in eligible roles will be sent a link to the DBS via strictly education 4s with related guidance notes to assist completion of the form. Once this is complete the relevant supporting documentation should be provided to Human Resources. As a Registered Body, Surrey Heath Borough Council complies with the DBS Code of Practice and has written policies on the recruitment of ex-offenders and the handling Of Disclosure information. Copies of these documents are available from Human Resources on request. A criminal record is not necessarily a bar to employment. Once you receive your DBS certificate this is your information which we require to see as part of this recruitment process. Upon sight of the certificate we will note on our electronic Human Resources Information System (HRIS) the certificate number, type of certificate and issue date, not copies of the actual certificate are kept on record.

7.6 Basic Disclosure

For those roles requiring a Basic Disclosure this is completed directly through the government website and not the umbrella body (strictly education 4s). Human Resources will provide guidance on the application process for a Basic Disclosure.

7.7 Selecting an appropriate disclosure level for the role

The table below provides further information relating to the application of each type of disclosure. Use this guide, but any specific queries may be directed to Human Resources.

Enhanced DBS Check (with Barred List Check for the relevant work force i.e. Adult or Child)

Roles that involve regular interaction with 'at risk' groups, such as children or vulnerable adults (or both), in order to undertake their normal duties. This includes the same as the standard check plus any additional information held by local police that's reasonably considered relevant to the workforce being applied for (adult, child or 'other' workforce).

'Other' workforce means those who don't work with children or adults specifically, but potentially both e.g. taxi drivers. In this case, the police will only release information that's relevant to the post being applied for.

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Standard DBS Check

Roles where the employee may be required to interact with vulnerable groups as part of their role either as undertaken by daily duties or exceptional circumstances. Generally public-focused roles, e.g. Car Parks.

Roles where the employee has responsibility for a workforce that undertakes public-focused duties that may expose them to such interactions.

This will check for spent and unspent convictions, cautions, reprimands and final warnings.

8. Changing Job Roles

Any existing employee who is offered a new position within the Council will be required to undertake a new DBS application if the post involves greater access to, or responsibility for vulnerable groups, or working with a different client group regardless of whether they have already had a DBS check.

Existing employees who have not previously been subject to a DBS check may, as a result of future changes in legislation, regulation or working practices, be required to undertake an application during the course of their employment with the Council. All employees will be expected to comply with any request. The same process will apply regarding Basic Disclosures.

9. Status Updates

It is the Council's policy to carry out status updates for all DBS checks every 3 years. Human Resources will contact you directly should you require a status update and advise you of the process.

9.2 The DBS Update Service

The DBS Update Service is an online government service which, once subscribed to, allows an individual's DBS Certificate to be kept up to date for as long as they are subscribed or until new information is added to the Certificate; enabling it to be taken from role to role where the same level of check is required.

There is an Update Service for Basic Disclosure but it is not open to individuals who have had a Basic Disclosure only and operates differently for the DBS Update Service.

Surrey Heath Borough Council will encourage staff to sign up for the Update Service and will also reimburse the annual subscription which is payable by debit or credit card.

For further information regarding the Update Service please contact Human Resources.

10. Rehabilitation of Offenders

A criminal record will not necessarily be a bar to obtaining or keeping a position with Surrey Heath Borough Council. This will depend on the type of offence and the position applied for.

11. Duty to Inform

The Council expects officers facing a criminal charge in a court of law to give notice of such, without delay, to the Chief Executive. Sometimes the nature of the charges will be relevant to the officer's job; in other cases the issue will be less clear cut. Officers are aware that their own personal actions can reflect on the Council as a whole. They are therefore required to notify the Chief Executive of any criminal charge which may be pending, whether they personally feel the matter is relevant or not, and the outcome of any such charge.

Discussion with the officer will take place as to the extent to which such a charge reflects upon the ability of the officer to perform effectively, or the extent to which the Council's own interests are prejudiced. Any opportunity will be given to have a Trade Union Representative or staff representative or friend present during discussions.