

Changing Faces

Criminal Records and DBS Checks Policy

1. Purpose

This policy sets out how the organisation uses criminal records information, including Disclosure and Barring Service (DBS) checks, to support safeguarding and ensure the safety and wellbeing of children and vulnerable adults. It also reflects our commitment to safer recruitment, legal compliance, data protection and the fair treatment of applicants, staff, volunteers and contractors. DBS checks form one part of our wider safeguarding and safer recruitment framework.

2. Scope

This policy applies to:

- All employees
- Volunteers
- Trustees
- Freelancers and contractors engaged in service delivery or working with our beneficiaries

3. Our Commitment

The organisation will:

- Use DBS checks only where they are legally permitted and appropriate to the role
- Apply DBS checks in a proportionate, role-based manner
- Ensure fair, transparent and non-discriminatory recruitment and engagement practices
- Consider disclosures in line with the Rehabilitation of Offenders Act 1974
- Support opportunities for individuals with criminal records through objective assessment
- Handle all criminal records information securely and lawfully

4. Roles Requiring a DBS Check

4.1. General principles

The requirement for a DBS check, and the level of check applied, is determined by the activities undertaken within a role, not by job title, seniority or employment status. The organisation does not request DBS checks at a level for which a role is not legally eligible.

Most of the organisation's services are delivered:

- Online (for example via Microsoft Teams or Zoom)
- In group settings
- With safeguarding controls in place

These factors directly inform DBS eligibility and the level of check required.

4.2. DBS check levels by role type

4.2.1. Roles involving regulated activity

Roles that involve **regulated activity** with children and/or adults at risk, as defined in safeguarding legislation, require:

- **Enhanced DBS check with the relevant barred list(s)**

Regulated activity may include, for example:

- Personal care, healthcare or social care
- Unsupervised in-person work that meets the legal definition of regulated activity

Where regulated activity is identified, barred-list checks are applied as required by law.

4.2.2. Service delivery roles that are not regulated activity

Roles involving regular (weekly);

- Online one-to-one or group support
- Online or in-person group work delivered by more than one staff member
- Supportive, educational or advisory engagement (rather than care or treatment)

Normally require:

- **Enhanced DBS check without barred list(s)**

These roles do not usually meet the legal threshold for regulated activity due to the nature of delivery and safeguarding arrangements in place. Enhanced checks remain appropriate because of engagement with children and vulnerable adults.

4.2.3. Non-service delivery roles

Roles that:

- Do not involve direct contact with children or vulnerable adults
- Do not involve service delivery
- May involve regular access to sensitive information (eg HR/Banking/Financial/Health data)

May require:

- Basic DBS check, or no DBS check where this is not proportionate or legally necessary

5. Review of eligibility

DBS eligibility and level of check are reviewed where:

- Role duties change
- New services or delivery models are introduced
- Safeguarding arrangements are revised

6. When Checks Are Taken

DBS checks are requested:

- After a conditional offer of employment, volunteering or engagement is made
- Before an individual begins delivering services to children or vulnerable adults
- Before contractors or freelancers commence service delivery

Individuals may not begin work with children or vulnerable adults until an appropriate and satisfactory DBS check has been completed. Requesting checks at the conditional offer stage supports fair recruitment practice and ensures that DBS checks are used lawfully and proportionately.

7. Using and Assessing Disclosure Information

A DBS disclosure, or information disclosed by an individual, will not automatically prevent an individual from working with the organisation. All such information is considered on a fair, proportionate and role-specific basis.

Where a DBS check reveals information, or where relevant information is disclosed by an individual at any point during recruitment, employment or volunteering, the following process will be followed.

Initial consideration

- The disclosure will be reviewed confidentially by the Chief Executive Officer (CEO) or their delegated senior manager.
- Only the minimum information necessary to assess potential risk will be considered and shared.

Discussion with the individual

- The individual will be invited to a confidential meeting with the CEO and, where appropriate, the relevant hiring manager.
- This meeting provides the individual with the opportunity to:
 - Explain the circumstances and context of the disclosure

- Share any relevant mitigating information
- Provide evidence of rehabilitation or changed circumstances

The organisation's process for assessing disclosures is designed to balance safeguarding responsibilities with fairness and transparency, and to ensure that decisions are informed, documented and subject to appropriate oversight. The organisation is committed to openness, fairness and transparency during this process.

Risk assessment and recommendation

Following the discussion, the CEO will complete a structured risk assessment, taking into account:

- The nature and seriousness of the offence or information disclosed
- The time elapsed since the offence (whether the conviction is spent/unspent)
- Whether there is evidence of a pattern of behaviour
- Evidence of rehabilitation and conduct since the offence
- Its relevance to the specific role and activities involved
- The level and nature of contact with children or vulnerable adults

Decision-making

The CEO's recommendation will be shared with;

- A panel comprising of the Chief Executive Officer and two trustees.
- The CEO will present the risk assessment and their recommendation to the panel.
- Panel members will receive only anonymised and relevant information wherever possible.
- The identity of the individual will be shared only where necessary to reach a lawful and informed decision.

Decision and outcome

The panel will consider the CEO's recommendation and agree an appropriate outcome.

Decisions may include:

- Confirmation of appointment or engagement
- Appointment subject to specific safeguards or conditions
- Withdrawal of a conditional offer or termination of engagement, where necessary to protect service users

The individual will be informed of the outcome and the reasons for the decision.

Recording and confidentiality

- A clear and proportionate record of the process followed, decisions taken and rationale will be maintained.
- Records will be factual, limited to what is necessary, and sufficient to demonstrate fair and lawful decision-making.

- Criminal records information will be stored securely, accessed only by authorised individuals, and handled in accordance with data protection requirements.
- Copies of DBS certificates will not be retained.

8. Renewal and Ongoing Checks

DBS certificates do not expire; they provide a snapshot of information at the time of issue. The organisation therefore applies a risk-based approach to ongoing DBS checks.

Current practice is to:

- Renew enhanced DBS checks every three years, or
- Carry out annual status checks via the DBS Update Service, depending on role-specific risk

All staff, volunteers and contractors are required to notify the organisation promptly of any relevant police contact, cautions or convictions arising during their engagement.

9. Contractors, Freelancers and External Partners

Contractors and freelancers involved in service delivery must:

- Provide evidence of a valid and appropriate DBS certificate, or
- Consent to a DBS Update Service check
- Complete the organisation's role-based eligibility and risk review before work begins

Partner organisations delivering services on our behalf must confirm that they apply DBS checking standards consistent with this policy.

10. Storage, Security and Retention of Disclosure Information

Criminal records information is treated as sensitive personal data.

The organisation will:

- Record only information that is legally permissible (for example certificate reference number, level of check, date and outcome)
- Never retain copies of DBS certificates
- Store information securely with access restricted to authorised staff
- Retain information only for as long as necessary
- Destroy any paper records securely (for example via confidential waste disposal)

11. Data Protection

All processing of criminal records information complies with:

- UK GDPR
- Data Protection Act 2018
- DBS Code of Practice

Access to criminal records information is limited strictly to those with legitimate safeguarding or employment responsibilities.

12. Applicant Rights

Individuals have the right to:

- See their own DBS certificate
- Challenge inaccurate information
- Be informed how their data is used, stored and retained
- Discuss contextual information as part of the risk-assessment process

13. Compliance and Best Practice

In developing and applying this policy, the organisation follows recognised legal requirements and sector best practice to ensure fair, proportionate and effective safeguarding.

The approach set out in this policy reflects guidance and expectations contained within:

- The **Disclosure and Barring Service (DBS) Code of Practice**, including requirements relating to fairness, proportionality, confidentiality and secure handling of criminal records information
- The **Rehabilitation of Offenders Act 1974**, including principles relating to the consideration of criminal convictions
- **UK GDPR and the Data Protection Act 2018**, particularly requirements relating to criminal records data, data minimisation and secure processing
- Safeguarding and safer recruitment best practice promoted within the voluntary and community sector, including:
 - Role-based DBS eligibility
 - Proportionate risk assessment
 - Clear separation of assessment and decision-making
 - Independent oversight for complex safeguarding decisions
- Inclusive Recruitment Practices
 - The Princes Trust; <https://www.bitc.org.uk/wp-content/uploads/2021/01/bitc-employment-toolkit-bantheboxemployersguide-jan2021.pdf>
 - National Association for the Care and Re-settlement of Offenders (Nacro); <https://www.nacro.org.uk/>

14. Policy Review

This policy is reviewed annually, or sooner where:

- Legislation or DBS guidance changes
- Service delivery models change
- Safeguarding reviews indicate a need for amendment

Approved changes are overseen by the Leadership Team and Board of Trustees.

Last updated	April 2026
Next update due	April 2027