



people policies

# Disclosure Policy





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# Policy

## Purpose of the policy

The council is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Exceptions Order to the Rehabilitation of Offenders Act (1975).

However, this duty must be carried out with due regard to all other relevant legislation including the Protection of Freedoms Act (2012), the Rehabilitation of Offenders Act (1974), the Data Protection Act (2018) / General Data Protection Regulation (GDPR), the DBS Code of Conduct and the Human Rights Act (1998). A description of each piece of key relevant legislation can be found on the HR Self Serve pages on the Source.

This policy will apply to those seeking paid work or volunteering opportunities with the council. In addition, certain types of voluntary or seasonal work, fostering and adoption arrangements, student placements, permitted drivers, elected members, school governors, preferred contractors and other regulated positions will also come under the provisions of the policy, particularly where they involve unsupervised contact with children or adults.

## Types of DBS Disclosure and Barred List checks

With the merging of the CRB and ISA to form the DBS there has been a change in terminology which will now appear throughout this policy, these are:

Previous term	New term
Criminal Records Bureau (CRB), Independent Safeguarding Authority (ISA)	Disclosure & Barring Service (DBS)
Enhanced CRB check	Enhanced DBS check
Enhanced CRB check with Barred List Check	Enhanced check for Regulated Activity
ISA Adult First	DBS Adult First
Vulnerable Adults	Vulnerable groups

## Disclosure & Barring Service (DBS)

The Safeguarding Vulnerable Groups Act (2006) sets a legal duty for the council to refer information to the DBS if the council were to dismiss or remove an employee/volunteer from working with children and / or adults (in what is legally defined as regulated activity) because they meet the referral criteria.

The council has a duty to refer information to the DBS as both a Regulated Activity Provider and as a Local Authority.

Further information is available on the HR Self Serve pages of the Source.

## Employee's responsibilities

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- Employees continued employment in their post is subject to satisfactory standard / enhanced DBS check at three yearly intervals.
- Employees working with children and vulnerable adults are required, under the council's Code of Conduct for Employees to inform their manager immediately if they are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution.

## Manager's responsibilities

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- Managers are responsible for the application of this policy.
- When recruiting, managers should begin the process by looking to see if the role falls under the definition of 'regulated activity' and is therefore entitled to an 'Enhanced Check for Regulated Activity'.
- When posts are entitled to an enhanced DBS check managers should complete a risk assessment, if, for operational reasons, they allow someone to work before the enhanced DBS disclosure is returned. This must be authorised by a second tier officer/Head of Service.
- When using an agency worker, a manager should ask to see written confirmation from the agency or a copy of the DBS check, to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the Children's and/or Adult's barred list.
- The manager is responsible for the application of this policy in their work area.

The agency is legally the employer of any agency worker and the responsibility to obtain a relevant DBS check or an Enhanced check for Regulated Activity is theirs. The council's agency provider undertakes annual audits of the agencies to ensure they are compliant with our safeguarding requirements.

## Trade union representative's role

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- To support and advise members.
- To raise issues with the manager with a view to resolving them informally and at local level.
- To seek a resolution at a local level to avoid escalation into a more serious matter.



# Process

- 1 The council has a rolling programme of disclosure checks in accordance with this policy. Checks will usually be carried out at three yearly intervals in conjunction with the Disclosure Service.
- 2 The enhanced DBS check searches the applicant's details against criminal records and other sources, including the Police National Computer. The check may disclose convictions, cautions, reprimands and warnings. The applicant and the employer will see the results of the search.
- 3 The DBS check will either confirm that the applicant doesn't have a criminal record, or it will disclose any relevant convictions, cautions, reprimands, warnings and, if applicable, whether the applicant has been barred from working with children and/or vulnerable adults. The police can also include non-conviction information, which may be relevant. An enhanced DBS check uses a range of different information sources, including the records of the Police National Computer (PNC) and other data sources.
- 4 The council will obtain an enhanced DBS check for every employee or volunteer who is involved in regulated activity working with children or vulnerable adults. The same principle is also applied to agency workers and contractors/sub-contractors.

# Complaints

Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the Disclosure and Barring Service.

Further guidance on all aspects of the DBS process can be found on the HR Knowledge base of the Source.

# Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

## Additional guidance

Disclosure portal page

Disclosure procedure

## Associated policies

Code of Conduct for Employees

Recruitment & Selection policy

Disciplinary policy



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The audience of this document is made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

#### History of most recent policy changes – must be completed

Version	Date	Change
V1.02	29 September 2021	Fixed broken links
V.1.01	27 December 2018	Updated reference to DPA (2018) and GDPR
V.1.00	24 July 2014	Re-formatted policy



