**Disclosure and Barring Service (DBS) check Policy**

**1. Introduction**

1.1 This document sets out **ESO education and training’s** policy towards the recruitment of people with a criminal record.

### 1.2 The policy will apply to those seeking paid or unpaid work with ESO education and training where a Basic Disclosure certificate (criminal records check) is a requirement of ESO education and training in compliance with **Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Bill**

1.3 The principles of this policy will also apply to contractors and agency workers.

**2. Recruitment and offers of employment**

2.1 All applicants will be told when a basic level of disclosure is required in the job pack.

2.2 The appointment of the successful candidate will be conditional on receipt of a satisfactory Basic Disclosure certificate.  When making the conditional offer of employment ESO education and training will ask the successful candidate to apply on-line to Disclosure and Barring Service (DBS) for [a Basic Disclosure certificate](https://www.gov.uk/request-copy-criminal-record).

2.3 The DBS charges applicants a fee for the disclosure check, which will be paid by ESO education and training on production of a receipt.

**3. Disclosure information**

3.1 The Disclosure certificate, once received by the applicant, should be sent to Simon owen, either in person, mailed to our business address or emailed to simonowen@esotrainingnw.co.uk within four days of receipt.  Simon Owen will copy the certificate and return the original to the applicant.

3.2 The information contained in the Disclosure is considered confidential sensitive personal information and ESO education and training will restrict access to those who are entitled to see it as part of their duties.  ESO education and training also undertakes to ensure that disclosure information is:

* treated fairly.
* used solely for the purposes for which it was obtained.
* handled and stored securely; and
* kept for no longer than necessary – once the Baseline Personal Security Standard decision has been made the copy of the Disclosure certificate will be destroyed, unless needed to allow for the consideration and resolution of any disputes or complaints.

**4. Assessment of the relevance of criminal records**

4.1 ESO education and training will only take a criminal record into account when the conviction is relevant.  Since questions about criminal records are only asked of the successful candidate, job applicants can feel assured that having a criminal record will play no part in the initial selection process.

4.2 The successful candidate can discuss any convictions, cautions, reprimands, warnings and final warnings they have, spent or unspent, with the head of centre before they apply for a Basic Disclosure certificate.

4.3 Where the Disclosure certificate discloses a criminal record, an assessment to decide the relevance of the criminal record will be made.  To reach a fair and balanced decision this assessment will involve an evaluation of the associated risks.  Protection of the applicant’s rights and interests must be weighed against the rights and interests of the organisation, its employees, those bodies or members of the public with whom an employee may come into contact and the host Department.

4.4 ESO education and training, will consider each case on its individual merits but will consider the following factors as a minimum:

* the relevance of the offence to the duties and responsibilities of the post.
* the seriousness of the offence and its relevance to the safety of other people and resources.
* the length of time since the offence was committed.
* the nature and background of the offence.
* details of the circumstances that led to the offence (e.g. domestic or financial problems).
* changes to the individual’s circumstances that make re-offending less likely,
* whether the individual has a history of re-offending; and
* the country in which the offence was committed, for example some offences in Scotland are not necessarily offences in England and Wales.

4.5 Before a final decision is made the applicant will be given the opportunity to discuss the disclosure information with the head of centre.  This will provide the applicant with the opportunity to explain, question and promote their own views.

4.6 Once a decision has been made, the head of centre will confirm the decision in writing.

**5. Starting work pending a disclosure**

5.1 It is ESO education and training’s policy that no one should be allowed to start work before the Basic Disclosure certificate is received.  However, in some cases, waiting for certificate may not be practicable e.g. to ensure minimum staffing levels; therefore, we may allow someone to start work before receiving the certificate.

5.2 Arrangements should be reviewed on a regular basis, at least every two weeks, until the certificate is received.  All other pre-employment checks must also have been completed including identity check and satisfactory references for the whole of the previous three years.

**6. Portability**

6.1 For applicants with a Data and Baring Service (DBS) check, the DBS has an Update Service, which will allow employers to check the status of criminal record checks online.

6.2 If an individual subscribes to the DBS Update Service, ESO education and training can, with their consent, go online to check whether the individual's DBS certificate is up to date.

6.3 If the applicant requiring a Basic Disclosure certificate advises the organisation that they subscribe to the update service head of centre will obtain copy of the original DBS certificate and make the appropriate check.

**7. Complaints**

7.1 Applicants or staff who are unhappy with any aspect of the application of this policy should initially raise their concerns with the Head of centre.  Where this fails to produce a satisfactory resolution, applicants have the right to complain to the Chief Executive Officer.

7.2 The above complaints procedure is intended to deal with ESO education and training’s own internal processes.  Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the DBS.

Policy reviewed

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by Simon Owen