

# Marine Operations, Procedures, and Policies

## CWM 01 (Section 6)

### DBS and Criminal Convictions Procedure

Date	Revision	Comment	Prepared by	Reviewed by	Approved by
4	18/03/21	Change of office address	Kerry Rees	Andy Hall	Vicky Williams
3	23/08/19	Revised – Section 7 to reflect we now use a paper application via ASTO and where an Enhanced DBS Certificate is transferable. Section 8 to reflect how we do 3 yearly checks.	Liam Creaven	Andy Hall	Vicky Williams
2	08-01-18	Replaced WCVA by ASTO	Alan Osborne	Andy Hall	Vicky Williams
1	08-01-16	Office Address Update	Emily Clayton	Andy hall	Vicky williams
0	25-10-13	1 <sup>st</sup> Issue	Liam Creaven	Andy Hall	Vicky Williams
Draft	05-10-13	Draft Issue	Liam Creaven	Andy hall	Vicky Williams
Date	Revision	Comment	Prepared by	Reviewed by	Approved by

Challenge Wales is a company limited by guarantee Reg No 05342397.

Charity Reg No 1111859

Registered address;  
Crown House, Windsor Road,  
Penarth,  
Vale of Glamorgan.  
CF64 1JG

VAT No GB 930532352

## Table of Contents

6	DBS and Criminal Convictions .....	4
6.1	Criminal Records Checks through the Disclosure and Barring Service (DBS).....	4
6.2	Scope .....	4
6.3	The Rehabilitation of Offenders Act (ROA) 1974.....	4
6.4	Equality and Diversity.....	5
6.5	The Disclosure and Barring Service.....	5
6.5.1	The Criminal Records Bureau (CRB).....	5
6.5.2	The Independent Safeguarding Authority (ISA).....	5
6.5.3	The Disclosure and Barring Service .....	5
6.5.4	Disclosure Service .....	6
6.5.5	The DBS Code of Practice .....	6
6.6	Referrals to the DBS .....	6
6.6.1	Relevant Supporting Notes .....	7
6.7	Applicants with Criminal Records .....	7
6.8	Identity Checks.....	7
6.8.1	Identity Documents .....	8
6.8.2	List of Valid Identity Documents .....	9
6.8.3	Address Details .....	10
6.9	Renewals .....	10
6.10	Awaiting DBS Checks.....	11
6.11	Storage and Access .....	11
6.12	Bringing the Organisation into Disrepute.....	11

Uncontrolled if printed



### Definitions and Abbreviations

Definition	Description

Abbreviations	Description
CRB	Criminal Records Bureau
DBS	Disclosure and Barring Service
ID	Identification Documents
ISA	Independent Safeguarding Authority
ROA	Rehabilitation of Offenders
VBS	Vetting and Barring Service
ASTO	Association of Sail Training Organisations

Uncontrolled if printed

## **6 DBS and Criminal Convictions**

### **6.1 Criminal Records Checks through the Disclosure and Barring Service (DBS)**

The Disclosure and Barring Service (DBS) helps organizations make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Source: [www.gov.uk/government](http://www.gov.uk/government); 12<sup>th</sup> September 2013

Challenge Wales will complete a Volunteer Application for any individual who wishes to volunteer for Challenge Wales undertaking a role which includes activities involving children or having access to children's data. As defined by the Children's Act 1989, anyone under 18 years of age should be considered as a child for the purposes of this document.

Where required, an enhanced DBS check will be undertaken, on behalf of Challenge Wales, by the Association of Sail Training Organisations (ASTO). DBS checks are not normally transferable and therefore do not qualify for Challenge Wales.

Challenge Wales is required to undertake enhanced checks irrespective of whether the Volunteer is to participate in activities with children (see above for definition), or assist in administration where they may have access to data of a sensitive nature.

This policy will enable Challenge Wales to fulfill its statutory obligation with regards to pre-volunteering checks in relation to roles working directly with vulnerable groups.

### **6.2 Scope**

This policy will apply to all roles working directly with vulnerable groups and will be used in conjunction with other Challenge Wales Safeguarding and Protection of Vulnerable Adults policies.

### **6.3 The Rehabilitation of Offenders Act (ROA) 1974**

The Rehabilitation of Offenders Act (ROA) 1974 was introduced to ensure that ex-offenders who have not re-offended for a period of time since the date of their conviction are not discriminated against when applying for jobs, paid or unpaid. The Act allows that ex-offenders are no longer legally required to disclose convictions which have become 'spent', though the Act also states that some convictions can never be regarded as 'spent'. However, in order to protect vulnerable groups, there are a large number of posts and professions which are exempt

from this act. In such cases, Challenge Wales is legally permitted to ask applicants for details of all convictions, whether spent or unspent.

This policy includes self-disclosure and criminal records checks through the Vetting and Barring Service (VBS) which was established under the Freedom of Information's Act 2012 and merged the functions previously carried out by the CRB and Independent Safeguarding Authority (ISA).

## **6.4 Equality and Diversity**

Challenge Wales' commitment to equality and diversity extends to volunteers with criminal records. The Charity is keen to ensure that information relating to criminal records is dealt with in context and with the utmost discretion. Volunteers will only be rejected on the basis of criminal convictions if those offences are considered relevant to the role for which they are volunteering for.

## **6.5 The Disclosure and Barring Service**

### **6.5.1 The Criminal Records Bureau (CRB)**

The Criminal Records Bureau was established under part five of the Police Act 1997 and was launched in March 2002 as an executive agency of the Home Office set-up to help organisations make safer recruitment decisions.

### **6.5.2 The Independent Safeguarding Authority (ISA)**

Following the murders of Jessica Chapman and Holly Wells by Ian Huntley (a school caretaker) in 2002, the Bichard Inquiry was commissioned. One of the issues this Inquiry looked at was the way employers recruit people to work with vulnerable groups including children. The Inquiry's recommendations led to the Safeguarding Vulnerable Groups Act (2006), and as a result of recommendation 19 of the Inquiry the creation of the Vetting and Barring Scheme (VBS). The ISA's role is to make robust and accountable barring decisions and to maintain the ISA's Children's Barred list and the Adult's Barred list.

### **6.5.3 The Disclosure and Barring Service**

As of the 1st December 2012, the Criminal Records Bureau and the Independent Safeguarding Committee merged to form the Disclosure and Barring Service (DBS). This new organisation was established under the Protection of Freedoms Act (2012) and is a non-departmental government body sponsored by the Home Office.

### 6.5.4 Disclosure Service

The Disclosure and Barring Service provides access to Police records including convictions, cautions, reprimands and warnings. In certain cases they can make available information from a list of people barred from working with vulnerable groups. The level of check is dependent upon the type of volunteering the applicant engages in.

### 6.5.5 The DBS Code of Practice

The DBS code of practice sets out obligations which must be met by recipients of disclosure information. A copy of the code of practice can be accessed on the DBS website. Challenge Wales will comply with the DBS code of practice.

### 6.6 Referrals to the DBS

A referral is information on a person working in regulated activity with vulnerable groups which notifies the DBS of concerns that harm or risk of harm has occurred to a child or a vulnerable adult.

Challenge Wales retains the right to make a referral should an individual's conduct in relation to a member of a vulnerable group put that member at harm or risk of harm. The Harm Test would be satisfied for a member of a vulnerable group if no relevant harm by action took place but a risk of harm to a member of a vulnerable group still exists.

*“To satisfy the harm test there needs to be credible evidence of a risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct/behaviour, etc.*

*For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults. For example, a teacher who confides in their head teacher that they are sexually attracted to children (but who had not engaged in ‘relevant conduct’) would satisfy the harm test.”*

Challenge Wales would only make a referral after the charity had undertaken an investigation and gathered evidence in order to establish whether the allegation has foundation.

### 6.6.1 Relevant Supporting Notes

If a volunteer suspects that a crime has been committed, then they should contact the police initially.

The DBS has no investigatory powers and relies upon the evidence provided within referrals.

It is crucial that organisations do not make a referral to the DBS without gathering supporting evidence.

Challenge Wales will complete their investigations regardless of whether the volunteer has left the organization.

If additional evidence becomes available after the organisation has made the referral, Challenge Wales will make this available to the DBS.

In all cases Challenge Wales would make a referral using the DBS referral form (available on the DBS website).

Challenge Wales will work with Safeguarding Vulnerable Group teams from local authorities who are investigating allegations against individuals.

### 6.7 Applicants with Criminal Records

Having a criminal record will not necessarily bar you from volunteering for Challenge Wales. This will depend upon the nature of the position and the circumstances and background of your offences. See Recruitment of Ex-Offenders Policy (CWP 07)

### 6.8 Identity Checks

Prospective volunteers will either be A, those who don't have a valid Enhanced DBS Certificate registered with the DBS on-line, or B have an Enhanced DBS Certificate which is registered on-line:

- A) Challenge Wales DBS checks are processed through ASTO. In order to use this service:
  - 1) the volunteer is required to do a face to face meeting with an authorised Trustee when the disclosure documents are viewed.
  - 2) Complete the paper application for an Enhanced DBS check through ASTO.
  
- B) The volunteer may already have an Enhanced DBS Certificate through another organisation, this is transferable to Challenge Wales provided:
  - 1) The volunteer has a face to face meeting with an authorised Trustee when the disclosure documents are presented.

- 2) The original Enhanced DBS Certificate is provided to Challenge Wales and you must satisfy yourself that the original Enhanced Certificate included checks of the relevant DBS Barred Lists (Children/Adult).
- 3) The certificate has been registered with the DBS on-line and checked with the volunteer's permission at <https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>, provided the status is 'This Certificate did not reveal any information and remains current as no further information has been identified since its issue.' the volunteer will be good for another 3 years.
- 4) If the status is not 'This Certificate did not reveal any information and remains current as no further information has been identified since its issue.' the volunteer will be required to complete a new DBS check.

In either 'A' or B, the volunteer will be required to provide Proof of Identity and Proof of Address, the documents required are as follows:

### 6.8.1 Identity Documents

We will require sight of ORIGINAL DOCUMENTS as identified on list below:

**Either:**

- A) **ROUTE 1** – At least one document from Group 1 and at least two from Groups 1 or 2, one of the documents must show your full name and your current address.  
**BETTER TO BRING A RANGE OF DOCUMENTS (More than the minimum) IN CASE THERE ARE PROBLEMS WITH ANY OF THEM.**  
**PLEASE ALSO NOTE: IF YOU HAVE A PASSPORT We MUST SEE IT AND IF YOU HAVE A DRIVING LICENCE We MUST SEE THAT ALSO, THE NAME ON YOUR DRIVING LICENCE MUST BE YOUR FULL NAME.**

Re the attached list, please note that where denoted, document 'Age Limitations' apply.

**OR:**

- B) **ROUTE 2** – IF YOU, THE APPLICANT CANNOT PRODUCE A DOCUMENT FROM Group 1, then the applicant must produce:  
At least 3 documents from Group 2 comprising of;
- At least 1 document from Group 2a; and
  - At least 2 further documents from Group 2a or 2b; one of which must verify their current address.
  - **BETTER TO BRING A RANGE OF DOCUMENTS (More than the minimum) IN CASE THERE ARE PROBLEMS WITH ANY OF THEM**
  - If you have to go down ROUTE 2 please ring the Challenge Wales Office to organise how best to proceed.



## 6.8.2 List of Valid Identity Documents

**Please note** - If a document in the List of Valid Identity Documents is:

- Denoted with \* - Document should be less than three months old.
- Denoted with \*\* - Document should be issued within the past 12 months.
- Not denoted – Document can be more than 12 months old.

### Group 1 – Primary Trusted Identity Credentials

- Current valid Passport.
- Biometric Residence Permit (UK).
- Current Driving Licence (UK) (Full or provisional) Isle of Man /Channel Islands;
- Photo card Driving Licence (a photo card is only valid if the individual presents it with the associated PAPER counterpart licence; except Jersey).
- Birth Certificate (UK and Channel Islands) - issued at the time of birth;
- Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces. (Photocopies are not acceptable).

### Group 2a – Trusted Government/State Issued Documents

- Current UK Driving licence (old style paper version).
- Current Non-UK Photo Driving Licence (valid for up to 12 months from the date the applicant entered the UK).
- Birth Certificate (UK and Channel Islands) - (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable).
- Marriage/Civil Partnership Certificate (UK and Channel Islands).
- Adoption Certificate (UK and Channel Islands).
- HM Forces ID Card (UK).
- Fire Arms Licence (UK and Channel Islands).

### Group 2b – Financial/Social History Documents

- Mortgage Statement (UK or EEA)\*\* (Non-EEA statements must not be accepted).
- Bank/Building Society Statement (UK and Channel Islands or EEA)\* (Non-EEA statements must not be accepted).
- Bank/Building Society Account Opening Confirmation Letter (UK).
- Credit Card Statement (UK or EEA)\* (Non-EEA statements must not be accepted).
- Financial Statement \*\* - e.g. pension, endowment, ISA (UK).
- P45/P60 Statement \*\*(UK & Channel Islands).
- Council Tax Statement (UK & Channel Islands). \*\*
- Work Permit/Visa (UK) (UK Residence Permit) (valid up to expiry date). \*\*
- Letter of Sponsorship from future employment provider (Non-UK/Non-EEA only – valid only for applicants residing outside of the UK at time of application).

- Utility Bill (UK)\* – Not Mobile Telephone.
- Benefit Statement\* - e.g. Child Allowance, Pension.v.7 September 2012 6
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)\* - e.g. from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social Security.
- EU National ID Card.
- Cards carrying the PASS accreditation logo (UK and Channel Islands).
- Letter from Head Teacher or College Principal (16/19 year olds in full time education – (only used in exceptional circumstances when all other documents have been exhausted) (UK).

**Please note:**

If a document in the List of Valid Identity Documents is:

- Denoted with \* - Document should be less than three months old.
- Denoted with \*\* - Document should be issued within the past 12 months.
- Not denoted – Document can be more than 12 months old.

### 6.8.3 Address Details

We will need to know the volunteers address details for the last five years, including the dates they moved. One of the documents produced will need to show your current address.

### 6.9 Renewals

Volunteers are encouraged to register their DBS check on the DBS On-Line Service. It is Challenge Wales' policy that criminal records bureau checks are renewed every three years for designated volunteers.

Three months before the volunteers 3 year anniversary, Challenge Wales will contact the volunteer and ask permission to look at their DBS status at <https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>, provided the status is 'This Certificate did not reveal any information and remains current as no further information has been identified since its issue.' the volunteer will be good for another 3 years. If the status is not 'This Certificate did not reveal any information and remains current as no further information has been identified since its issue.' or the volunteer cannot be found on-line, the volunteer will be required to visit the office to complete a new DBS check.

## **6.10 Awaiting DBS Checks**

It is recognized that where delays occur in the processing of DBS checks that this may place additional pressure on services in terms of meeting Challenge Wales client needs. However, paramount consideration must always be to the safety and safeguarding of our clients and our volunteers.

A volunteer may only begin volunteering without the return of an enhanced DBS check in the following circumstances:

- When the volunteer is able to be appropriately supervised at all times when working with vulnerable groups
- When an enhanced DBS check has been applied for
- When satisfactory references have been received
- Where possible evidence of previous DBS checks can be provided

## **6.11 Storage and Access**

Disclosure information should never be kept on an applicants' personal file and will always be kept separately and securely, in lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

## **6.12 Bringing the Organisation into Disrepute**

If the nature of a criminal allegation against a volunteer brings, or potentially could bring Challenge Wales into disrepute the charity may decide to suspend the volunteer pending the outcome of the criminal investigation and trial. Challenge Wales retains the right to discontinue the volunteering relationship if a conviction is deemed destructive to Challenge Wales' reputation.