



## **The Sunflower Community Care Farm**

### **Disclosure and Barring Policy**

Date approved	
Signed by Chair	
Next date for approval	

#### **Purpose**

This document describes the DBS policy and procedures.

#### **Policy statement**

The safety of vulnerable adults, young people and children is paramount and this care farm is fully committed to safeguarding and promoting the welfare of vulnerable adults, young people and children and to the rigorous implementation of Disclosure and Barring Service (DBS) procedures and arrangements.

### **Scope of the policy**

This policy applies to all care farm staff and volunteers, regardless of their grade, position, hours worked per week or length of contract.

### **DBS Code of Practice**

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, the care farm complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions, fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

### **Recruitment of Ex- Offenders Policy**

- The Sunflower Community Care Farm is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- The Sunflower Community Care Farm actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The Sunflower Community Care Farm select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, The Sunflower Community Care Farm encourages all applicants called for interview to provide details of any criminal record at an early stage in the application process. The Sunflower Community Care Farm request that this information is sent under separate, confidential cover, to a designated person within The Sunflower Community Care Farm and guarantees that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows The Sunflower Community Care Farm to ask questions about an applicant's entire criminal record, The Sunflower Community Care Farm only asks about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- The Sunflower Community Care Farm ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- The Sunflower Community Care Farm makes every subject of a DBS check aware of the existence of the DBS Code of Practice and makes a copy available on request.

### **What is a DBS check?**

The DBS check searches an individual's details against criminal records and other sources, including the Police National Computer. The check may reveal convictions, cautions, reprimands and warnings.

The DBS check will either confirm that the individual doesn't have a criminal record, or it will list any relevant convictions, cautions, reprimands, warnings and, if applicable, whether the individual has been barred from working with vulnerable adults, young people and children. The police can also include non-conviction information, for example, fixed penalties, that may be relevant.

A DBS check uses a range of different information sources, including the records of:

- The Police National Computer (PNC) and other data sources.
- The Independent Safeguarding Authority (where requested).

It should be stressed that, whilst DBS checks are vital in the consideration of appropriately staffing posts with access to vulnerable adults, young people and children, they are just one in a range of pre-employment checks which must be carried out in order to assess the suitability of candidates. Other checks include thoroughly confirming identities, qualifications, taking up references and examining dates of employment histories on application forms. Ongoing monitoring and supervision is also vital alongside clear safeguarding policies and procedures.

### **What levels of check are there?**

There are currently three types of Disclosure:

- Standard.
- Enhanced check for regulated activity.
- Enhanced DBS check.

Currently, it is expected that the only level that applies for roles at The Sunflower Community Care Farm is the Enhanced check for regulated activity, defined below.

### **Enhanced check for regulated activity**

The Enhanced check for regulated activity is the highest level of criminal record check and is available for those working in regulated activity with children or vulnerable groups.

This checks for spent and unspent convictions, cautions, reprimands, final warnings, 'approved' information from local police records and a check of the DBS children's and or adults' barred lists where requested.

Approved information is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide.

### **Enhanced DBS check**

This is the same as an Enhanced check for regulated activity without a check of the barred lists.

### **What is the DBS Children's or Adults Barred List?**

The DBS children's and adult's barred lists are a list of people barred from working with children or vulnerable adults.

All staff and 'regular' unsupervised volunteers must be checked on the DBS children's and adults' barred list before they start work. The DBS children's barred list is checked as part of a Enhanced check for regulated activity.

The DBS children's and adults' barred lists should only be checked as part of the normal recruitment process and be checked alongside an Enhanced check for regulated activity. It should not be used as a standalone check unless the Enhanced check for regulated activity remains outstanding at the time the individual begins work.

If an individual is required to be checked on the DBS children's and adults' barred list then the Farm Manager at The Sunflower Community Care Farm who is an 'Authorised Verifier' should do the following:

- Check the applicant's ID e.g. passport or driving licence and confirm the applicant's surname, previous surnames (where possible) and date of birth.
- Email the request with these details and the reason why you are requesting the check, to Community Action Suffolk (CAS).

It is The Sunflower Community Care Farm policy to only provide a check of the DBS children's and adults' barred lists for employees or volunteers, not for people who are coming to the school through an external agency. Please see *Who should have an Enhanced check for regulated activity?*, on page 11 and *People not requiring an Enhanced check for regulated activity*, on page 13 for clarification of what the care farm should do in this situation.

### **Deciding whether you need an Enhanced check for regulated activity**

This section attempts to clarify when an Enhanced check for regulated activity is actually needed. Whether this is required will depend on:

- If the roles and responsibilities make the job eligible for an Enhanced check for regulated activity.
- If the applicant can already provide a 'Clear' Disclosure'. There are limited circumstances where this applies – please refer to Section 10.

### **Who should have an Enhanced check for regulated activity?**

All staff and volunteers at the care farm are in regulated activity and therefore meets the eligibility requirement for an Enhanced check for regulated activity.

This section describes:

- Other roles require an Enhanced check for regulated activity.
- People not requiring an Enhanced check for regulated activity.
- Re-vetting existing staff.

### **What other roles require an Enhanced check for regulated activity?**

Volunteers

- Unsupervised volunteers who work at the care farm on a 'regular' basis are defined as working in regulated activity and should complete an Enhanced check for regulated activity.
- A 'regular' volunteer who is supervised by a paid member of staff in regulated activity should complete an Enhanced DBS check. This means that when the DBS application form is completed the relevant section of the form (X64) should be crossed 'no'.
- Supervision means day-to-day supervision as is reasonable in all the circumstances for the purpose of protecting any vulnerable adults, young people and children concerned.

Volunteers from an external organisation

If an external organisation wants to come into the school to do an activity e.g. a bank want to send their staff on a team bonding trip to the care farm to carry out maintenance on the premises, the Farm Manager should do a risk assessment to decide if these people are working in regulated activity and if Enhanced Disclosures are required for these people. If the Farm Manager decides that Enhanced Disclosures are required, it is the responsibility of the external organisation to provide them. The external organisation will need to provide the care farm with a headed and signed letter to confirm that their staff have valid DBS checks (issued within the last 3 years) for the role they will be carrying out. It is the external organisation's responsibility to confirm that these staff are cleared to work at the care farm. If the external organisation cannot do this, their staff will not be able to work at the care farm.

People not requiring an Enhanced check for regulated activity

Examples of people who do not need to apply include:

Visitors who have business with the Farm Manager or who have only brief contact with vulnerable adults, young people or children with an employee present.

People who are on site before or after care farm hours when vulnerable adults, young people and children are not present.

Building contractors/tradespersons

A tradesperson attending the care farm on a one-off basis, for example, an electrician making repairs, does not need to be DBS checked as it is expected that they would not be allowed to walk around the care farm unaccompanied.

Building contractors may not need to be checked where the site area of works is clearly defined and segregated from general access, for health and safety reasons. Contractors visiting the care farm to carry out repairs, servicing or other short term work should be escorted to their working areas and appropriately monitored during their presence on site. They should be instructed not to encourage or enter into communication with vulnerable adults, young people or children.

Generally it will not be necessary, providing the above procedures are followed, to obtain Disclosure information from the DBS for operatives working on site.

There may be situations that fall outside the scope of the above and in these circumstances a risk assessment should be carried out to determine what measures may be appropriate. It may therefore be appropriate in certain circumstances to obtain Disclosure information for operatives. The Farm Manager should make a risk assessment and apply their professional judgement in deciding whether an Enhanced Disclosure is needed.

### **Re-vetting existing staff**

It is The Sunflower Community Care Farm's policy that all school staff and long term volunteers that are required to have an Enhanced check for regulated activity (or an Enhanced DBS check) do so every three years. If an employee or volunteer fails to comply with this policy, the Farm Manager will be notified and this may result in disciplinary proceedings.

### **Deciding whether the applicant already has a 'Clear' Disclosure: 'Portability'**

The Sunflower Community Care Farm does not accept portability of DBS Disclosures obtained from another registered body unless the applicant is subscribed to the update service. Nor does The Sunflower Community Care Farm offer portability of its own Disclosures.

This means that all applicants for jobs at another organisation must obtain a DBS Disclosure through The Sunflower Community Care Farm.

Please note that if the employee is moving from a volunteer role to a paid role the employee must complete a new DBS check.

### **Obtaining a DBS Disclosure**

For those roles that require an Enhanced check for regulated activity, all newly appointed staff/volunteers must obtain a new DBS Disclosure.

### **Procedure**

The steps below provide a summary of the DBS Disclosure process:

The Sunflower Community Care Farm asks the individual if they are subscribed to the DBS update service. If they are please follow the [guidance for using the DBS update service](#). If not, the Farm Manager completes and online form with Community Action Suffolk and the employee/volunteer will receive a notification email to complete their part of the form.

An authorised verifier at The Sunflower Community Care Farm checks the form and confirms the individual's identity.

The authorised verifier forwards the form to Community Action Suffolk and informs the applicant that they can apply to join the update service at [www.gov.uk/dbs](http://www.gov.uk/dbs).

CAS Team update their tracking database and send the form to the DBS.

The Disclosure and Barring Service run checks and sends the Disclosure to the individual  
The individual shows their Disclosure to the Farm Manager.

If the Disclosure is clear:

The Farm Manager adds the date and Disclosure number to The Sunflower Community Care Farm's records.

If there are convictions:

The Farm Manager adds the date and Disclosure number to The Sunflower Community Care Farm's records. After discussion with one other Director, The Farm Manager and the individual will meet to discuss and decide whether the person can be employed.

Disclosures for consultants

It is the Farm Manager's responsibility to ensure that all the consultants brought on to The Sunflower Community Care Farm have a valid DBS Enhanced Disclosure issued within **the last year** and relevant to their role. The Consultant should be asked to produce his or her copy of the Enhanced Disclosure and the Farm Manager should retain a signed letter on file from the Consultant which records the DBS Disclosure number and date of issue.

If the Disclosure was issued before September 10<sup>th</sup> 2012, the Farm Manager should also verify the validity of the document by checking with the registered body. Written confirmation of the Enhanced Disclosure should be requested from the registered body, confirming that there is no additional information other than that shown on the candidate's copy. The result of this check should then be attached to the signed letter. If the registered body is unwilling to release the information, as they are entitled to do, then their reply should also be attached to the signed letter.

A separate Enhanced Disclosure will need to be obtained if the registered body advises that the police disclosed additional "Non- conviction" information that was not included on the agency worker's copy.

If the Consultant does not have a valid Enhanced Disclosure, CAS will be able to process the DBS application and will invoice The Sunflower Community Care Farm as normal. It is then at the Farm Manager's discretion to invoice the Consultant. The Consultant should be made aware that The Sunflower Community Care Farm does not comply with portability requests from other registered bodies.

Deciding when the applicant/employee/volunteer is cleared to work

When is an applicant/employee/volunteer deemed to be 'Cleared'?

For those roles that require an Enhanced check for regulated activity (or a DBS Enhanced check), all newly appointed staff and volunteers should complete this prior to taking up post. Enhanced Disclosure certificates from other registered bodies will not be accepted unless the applicant is subscribed to the

update service.

Only when a clearance letter is issued CAS can it be considered that an individual has 'DBS Clearance'. This will only be issued when an Enhanced Disclosure has been completed that contains no information that may prevent the individual from taking up their appointment/or continuing in employment. For those roles that require an Enhanced Disclosure, where it is not possible to obtain clearance before appointment, the employee may be able to start work in exceptional circumstances where the delay will severely disrupt service delivery. In all cases, a satisfactory risk assessment must be completed by the Farm Manager of the employee/volunteer.

#### What if an employee has an 'unclear' Disclosure?

When an Enhanced Disclosure is received into The Sunflower Community Care Farm and it contains information about offences etc, this is referred to as being an 'unclear' Disclosure.

All employees/volunteers who have an 'unclear' Disclosure will have their details passed to the appropriate Farm Manager/Director who will discuss the contents of the Disclosure with another Director. The Farm Manager or Director and the applicant will then meet to discuss the details and the Farm Manager or Director will make a risk assessment to decide whether the person can be employed.

The ultimate decision as to whether the applicant can be recruited is to be made by the Farm Manager. This process also applies to employees/volunteers having a three yearly re- check.

Having a criminal record will not necessarily bar someone from working at the care farm; this will depend on the nature of the position and the circumstances and background of the offences.

#### Discussing Offences

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

At interview, or in a separate discussion, an open and measured discussion takes place on the subject of any offences or any other matter that might be relevant to the position.

All employees/volunteers who have an 'unclear' Disclosure will have their details passed to the appropriate Director who will discuss the contents of the Disclosure with the Farm Manager. The Farm Manager and the applicant will then meet to discuss the details and the Farm Manager will make a risk assessment to decide whether the person can be employed. The risk assessment should include:

- The seriousness of the offence and its relevance to the safety of others.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
- Whether the offence was a one-off or if there was a history of offending.
- Whether the applicant's circumstances have changed making it less likely they would reoffend.
- Whether the offence has since been decriminalised.
- The degree of remorse expressed by the applicant and their motivation to change.

#### Withdrawal of a Conditional Offer of Employment

The Sunflower Community Care Farm will discuss any matter revealed in an Enhanced Disclosure with the person seeking the position before withdrawing a conditional offer of employment, if appropriate.

#### Employees committing an offence during employment

It is the employee's responsibility to disclose any criminal convictions, cautions, reprimands or warnings that they incur during their employment with The Sunflower Community Care Farm's Manager. The Farm Manager will then make a decision on the appropriate steps to follow based on the type of conviction, caution, reprimand or warning the employee received and the role of the employee. The Farm Manager must then inform the appropriate Director about the decision they made and the reason they made it. If the employee fails to inform the Farm Manager of any criminal convictions, cautions, reprimands or warnings that they incur during their employment with the care farm this could lead to disciplinary action being taken against them and may even result in dismissal.

Having a criminal record will not necessarily bar someone from working with the care farm; this will depend on the nature of the position and the circumstances and background of the offences.

### **Authorised verifiers**

The Manager of the care farm must nominate a Director to check the ID Documents of those people completing a DBS application form. If the list of authorised verifiers changes at the care farm then the Farm Manager should email the CAS team with an updated list. If a DBS form is received into the office from someone who is not an authorised verifier then the DBS form will be returned to the care farm. The authorised verifier should:

- Check and validate the information provided by the applicant on the application form/continuation sheet.
- Establish the true identity of the applicant, through the examination of a range of documents.
- Ensure the application form is fully completed and the information it contains is accurate.

If there are any discrepancies in the information that the applicant has provided and/or the identity documents supplied and fraud is not suspected please seek clarification from the applicant. Failure to do this may compromise the integrity of the DBS service.

### **Record keeping**

The Sunflower Community Care Farm needs to set up administrative systems to record pre-employment checks including DBS checks. DBS clearance letters should be kept in a central file separate from personnel files. The Sunflower Community Care Farm should not have a copy of anyone's DBS Disclosure. All staff records need to be securely stored under lock and key. There should be a consistent approach to recording evidence of receipt of a satisfactory DBS Disclosure. Responsibility for ensuring these processes are adhered to rests with the Farm Manager.

### **Who pays for the DBS check?**

The cost of DBS checks for employees falls to The Sunflower Community Care Farm.

DBS Enhanced Disclosures for volunteers only incur an administration fee and this can be reimbursed to the volunteer after six months in post.

The definition of a volunteer is: "a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives".

### **Summary of roles and responsibilities**

Employee/volunteer

- All new employees and 'regular' unsupervised volunteers must complete an Enhanced check for regulated activity.
- All new 'regular' volunteers who are supervised by a paid member of staff in regulated activity.
- It is the employee's/volunteer's responsibility to show their Disclosure certificate to the Farm



Manager as soon as they receive it.

- All employees and 'regular' supervised and unsupervised volunteers must complete a new Enhanced check for regulated activity every three years.
- It is the employee's/volunteer's responsibility to disclose any criminal convictions, cautions, reprimands or warnings that they incur during their employment with The Sunflower Community Care Farm to the Farm Manager.

#### The Farm Manager

- It is the Farm Manager's responsibility to ensure that the employee/volunteer complies with the responsibilities expected of them.
- It is the Farm Manager's responsibility to discuss with CAS the contents of an employee's/volunteer's 'unclear' disclosure. The Farm Manager will then make a decision on the appropriate steps to follow based on the type of conviction, caution, reprimand or warning the employee received and the role of the employee.
- The Farm Manager of The Sunflower Community Care Farm must nominate a member or members of staff to be an authorised verifier to check the ID Documents of those people completing a DBS application form.
- It is the Farm Manager's responsibility to ensure that the record keeping guidelines regarding DBS Disclosures are adhered to.

#### Authorised verifier

- The authorised verifier is responsible for checking if the DBS form is correctly completed before sending it to CAS.
- The authorised verifier is responsible for keeping themselves informed of what is expected of them in this role and the current guidance being offered to them by the DBS.