



Policy Reference No: PM05

DBS Policy

St Helens Borough Council

Effective from: 01/01/2026



DBS Policy

Policy Information

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Date	Author	Version	Reason for Change
01/06/2022	Jane Carter and Vicky Yates-McCowan	1	Policy Consolidation Review
16/02/2024	Steven Rigby	2	Policy Review following successful DBS Inspection process only change required is the updated Counter signatory list
01/01/2026	Phil Ingham	3	Review
May 2026	Ste Rigby	4	Update re Councillors DBS and 3 yearly renewal Remove counter signatory Update on Renewal DBS for Key Services (reference Peoples Services DMT report January 2026) Reference MyView process for DBS Post Assessments

Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



Definitions and Abbreviations

In the Policy, the following words and phrases mean:

Council - St Helens Borough Council

Employee - Those employed by St Helens Borough Council including agency/consultancy staff, secondees to the organisation and those employed under partnership arrangements but excluding those employed in schools.

DBS - Disclosure and Barring Service

CQC - Care Quality Commission

GDPR - General Data Protection Regulation

Safeguarding - Safeguarding means protecting the health, wellbeing and human rights of vulnerable adults and children.

Regulated Activity - Regulated activity is a job role, or part of a job role, that involves working with vulnerable adults or children. This can mean direct contact or indirectly working in the vicinity of those vulnerable groups.

Introduction and Purpose

St Helens Borough Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and the Council requires all employees and volunteers to share this commitment.

The Council strives to develop and maintain an environment that deters and prevents the appointment or employment of unsuitable people and challenges inappropriate behaviour. Safeguarding and promoting the welfare of children and vulnerable adults is an essential part of creating 'safer' environments.

This policy outlines the Council's position as a Registered Body with the Disclosure and Barring Service. It outlines:

- The Council's responsibilities as a Registered Body
- The purpose and types of disclosure
- Regulated activity and how this is assessed for Council posts
- Arrangements within the Council relating to DBS clearances including those who are counter-signatories
- The validity of DBS checks and the Council's position regarding repeat DBS checks
- When checks will be undertaken and for who
- Risk assessment
- Handling DBS information
- The recruitment of people with past convictions

The Council will also support services in complying with relevant statutory guidance documents including for example Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges.

Equality, Diversity and Inclusion

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.

Disclosure and Barring Service (DBS)

As a Registered Body, the Council must:

- Use all reasonable endeavours to ensure that they only submit applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.
- Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and requested the appropriate barring list information.
- Ensure they are legally entitled to request any DBS product being applied for. Decisions regarding the requirement to undertake DBS checks are supported by reference to legislation, the DBS Code of Practice. The Council has adopted an Assessment pro-forma to support decisions on individual circumstances.

Local Authorities have access to criminal records for those potential and existing employees whose posts would involve responsibility for children and/or other vulnerable groups (regulated activities) or posts which are also exempt from the Rehabilitation of Offenders Act 1974. This is referred to as a Disclosure. Disclosure information is highly confidential and must be considered only by those eligible to receive it.

Purpose of Disclosure

The purpose of Disclosure is to facilitate safer recruitment decisions. It will help to prevent unsuitable people having access to jobs and positions that provide opportunity to harm children and vulnerable groups. It provides information to help recruiters make more informed decisions about the suitability of those seeking work in positions of trust.

Types of Disclosure

The DBS sets out strict criteria which define the circumstances under which the various level of disclosure can be requested:

Basic checks – a basic DBS check provides only details of current (unspent) convictions and conditional cautions. There are no specific eligibility criteria, however a basic disclosure check can only be carried out with the consent of the individual.

Standard checks – to be eligible for a standard level DBS certificate, the position must be covered by an exempted question in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. This check covers the Police National Computer (PNC) records of spent and unspent convictions, cautions, reprimands and warning. The law allows for certain old and minor matters to be filtered out. Eligibility for standard check is slightly harder to define. There is no description of the type of jobs which entitle people to this check, rather it is a list of specific professions which require the disclosure, for example an accountant / lawyer on entry to the profession.

Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be covered by an exempted question in both the ROA Exceptions Order and by the provisions in the Police Act 1997 (Criminal Records) Regulations 2002. This check covers spent and unspent convictions on the Police National Computer plus additional information held by police such as interviews and allegations and local police records. Additional information is only disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed.

Enhanced checks with children's and/or adults' barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as being eligible to check the appropriate barred list(s). This check covers spent and unspent convictions on the Police National Computer records plus additional information held by police plus a check of the DBS Children's and Adults Barred lists as required. This applies where people are working or are seeking to work in regulated activity.

Regulated Activity

The full definition is set out under this legislation however this can be summarised as follows:

Regulated activity in relation to children includes:

- Unsupervised activities such as teaching, training or instruction
- Care for or supervision of children
- Advice and guidance for children including the physical or emotional wellbeing
- Work in specified places including schools and colleges with the opportunity for contact with children, but not including work undertaken by supervised volunteers
- This is regulated activity only if it is done frequently by the same person or if the relevant period condition is satisfied.

Regulated activity for vulnerable adults (18 years or over) can include:

- Activities which, if an adult requires them, will mean that the adult is considered vulnerable at that particular time
- The provision of personal care or social work
- The provision of healthcare

- Assistance with household matters, the conduct of a person's own affairs and transportation
- A person whose role includes the day to day management of a person engaging in regulated activity

The definition does not require activities because of the place in which they occur, does not take into account the adults personal characteristics or circumstances, nor does it require for the activities to be carried out a certain number of times.

Current Council Arrangements

Details of the DBS Counter signatories are listed below:

Lead Counter-Signatory		
STEVEN	RIGBY	People Management
Counter-Signatories		
LORRAINE	SIMPSON	Licensing
JANE	MOLYNEUX	Licensing
CHRISTOPHER	KENNY	Licensing
DOMINIC	HEAPS	Licensing
FIONA	WOODS	Adoption & Fostering & School Governors
LISA	BUNDOCK	Governor Services

DBS Counter-Signatories:

- are points of contact and advice and support for Managers, departments and trade unions on safer recruitment issues related to their specific function.
- will provide advice and support to Managers/Heads of Service in respect of individual recruitment and/or employment cases, or engagement in terms of their specific function.
- check and validate the information provided by the applicant on the application form and ensure the application form is fully completed and the information it contains is accurate.
- countersign applications to confirm that the Council has an entitlement to access disclosed and barred information.
- take reasonable steps to ensure that applications for free of charge Disclosures fall within the definition of a volunteer as described in the Police Act 1997 (Criminal Records) (Registration) Regulations 2002
- will deal with Positive Disclosures on a case by case basis in a fair and indiscriminate manner.

Checks Undertaken

Standard checks for some posts where the post holders access Government Systems on the Public Service Network (PSN) and the owners of those system require that a basic check is undertaken.

The Council will undertake Enhanced Clearances with Children /and/or Adults Barred List checks as required, following the guidance provided by the DBS.

Assessment of Posts Requiring DBS Clearance

A Disclosure is only requested after an assessment has indicated that one is both proportionate and relevant to the position concerned.

Prior to advertising a post or if a post has been newly created, it must be ascertained whether the nature of the post makes it subject to a Disclosure and Barring Service check.

Manager checklists have been produced to support this process for both Children's posts, accessible [via this link](#), and Adult posts, accessible [via this link](#). These are accompanied by useful flow charts to support understanding.

The assessment process can now be undertaken via MyView.

Clearances are only undertaken if agreed by the Lead Counter-signatory.

Validity of Disclosures

Disclosures do not carry an expiry date and there is no formal period of validity. Each Disclosure will show the date on which it was printed. The information contained on a Disclosure reflects the information available as of the date of its issue. DBS checks do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the DBS check at any time after it is issued.

DBS Update Service

To aid application processes the Council uses the DBS Update service when applicants have subscribed, and their subscription remains valid.

The Council do not as a rule reimburse any subscription to the DBS Update service.

However Services that require renewal DBS can offer to reimburse employees in support of the renewal process (see below)

Repeating DBS checks for Ofsted & CQC

The Council are aware that DBS checks do not run out and do not have an expiry date, but they provide information about a person's criminal record history at one point in time and must be used with other methods to check suitability as they only make up part of the picture in determining suitability for employment.

The Council do not routinely repeat DBS checks to confirm suitability. The Council does, however, reserve the right to repeat any check, including DBS, if it receives information that suggests a person may no longer be suitable.

In 2026 Peoples Services determined that it wished specifically to undertake renewal DBS checks every 3 years for the following services:

- Kershaw Day Centre
- Brookfield Support Centre
- Supported Living Services
- Stephenson's Support Centre
- Reablement
- Careline

It is for the Services to prompt DBS renewal processes in future years and maintain DBS renewal process records.

Volunteers

Volunteers who provide services in regulated activities must be checked for Disclosure and the Council must ensure that the appropriate checks have been undertaken and are satisfactory. Managers who directly engage Volunteers are responsible for ensuring that the appropriate checks have been undertaken and are satisfactory.

Where volunteers are working with children or vulnerable people in specific establishments but are under the day-to-day supervision of another person engaging in regulated activity they will be exempt from DBS checks.

Note that "supervised" does not mean the volunteer can never be unaccompanied. The statutory definition of supervision in this context requires:

- There must be supervision by a person who is in regulated activity;
- The supervision must be regular and day to day; and
- The supervision must be "reasonable in all the circumstances to ensure the protection of children"

Agency Workers

If a worker is supplied by an agency, the requirement to check Disclosures and that the level and checking of barred lists is appropriate initially lies with the Agency Supplier. The engaging manager of the Council must still satisfy themselves that the Disclosure is satisfactory in accordance with the Council's procedures.

Contractors

Contractors who provide services in regulated activities must be checked for Disclosure and the Contracting Manager must ensure that the Contract provider has undertaken the appropriate checks.

Adoption and Fostering

The Council needs to make sure that only the right people are given the opportunity to become Adopters and Foster Carers and will carry out a number of checks as part of the assessment on an individual's suitability. This will include an Enhanced Check for Regulated Activity. In addition the Service undertakes enhanced DBS for Fostering and Adoption Panel Members (Adoption managed via RAA by Wigan).

Licensing - Private Hire

Any person who wishes to work as a private hire driver is required by law to hold a licence, issued by the Council. Before granting a licence, the Council requires the applicant to undergo

a Disclosure and Barring Service referral process. Private hire drivers are subject to enhanced checks with children and adults barred lists.

School Governors

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 came into force on 18th March 2016.

The new Regulations brought the arrangements in the maintained sector into line with the requirements in place for single academies and directors / trustees in multi-academy trusts. Where a Governor is elected or appointed and does not hold an enhanced criminal record certificate, the governing body must apply for such a certificate in respect of that governor within 21 days of his or her appointment or election.

Governors as Office Holders are not engaged in regulated activity and there is no legal entitlement to undertake a Barred List check.

Although Governors may, as part of their governance activities, make visits to the school for monitoring etc. this does not constitute regulated activity which entitled a Barred List check to be undertaken. The issues around supervision are as set out under Volunteers.

Elected Members

In 2026 Cabinet determined that all Councillors would be subject to Basic DBS check to be renewed every 3 years.

In relation to elected members the “saved” definition of regulated activity still applies when considering eligibility for standard and enhanced checks and is as follows:

In relation to children:

- The member discharges education or social services functions; or
- Is a member of an executive which discharges any such functions;
- Is a Governor at a school

In relation to adults:

- The member discharges social services functions which relate wholly or mainly to adults who receive a health or social care service; or
- Is a member of an executive which discharges any such functions.
- Is a member of a Fostering Panel

Elected members who are School Governors or Fostering Panel Members - DBS renewal should be at the Enhanced Level to avoid duplication.

Risk Assessment

It is sometimes necessary to consider employment before a DBS clearance is received. Risk assessments will be used by exception and will not be common practice for most roles. A risk assessment form can be accessed [via this link](#).

The manager is required to declare that:

- The individual will be appropriately supervised and **will not** have unsupervised access to vulnerable adults. All other relevant recruitment checks have been undertaken.

It will be made clear to the person that they are subject to additional supervision, the nature of this and the roles of the staff undertaking the supervision. These arrangements will be reviewed regularly and in place until the satisfactory DBS certificate is received.

Handling of DBS Information

General principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the Council comply fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

The Council also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information should be kept 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.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties.

The Council maintains a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

N.B.: As an organisation which is inspected by the Care Quality Commission (CQC) Ofsted, we may retain the certificate for the purposes of inspection.

In addition, the Council may retain certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits. Any such practice will need to be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR).

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, the Council does not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, the Council will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

The Council will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, the Council will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Recruitment of People with Past Convictions

The primary purpose of Disclosure is to facilitate safe recruitment decisions. It will help prevent unsuitable people having access to jobs and positions that provide opportunity to harm children and vulnerable adults. It will provide information to help recruiters make more informed decisions about the suitability of those seeking to work in positions of trust.

What must candidates for employment disclose?

Anyone applying for a post where Disclosure applies is required to disclose the details of all convictions, cautions, reprimands or final warnings that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

How will this information affect employment?

Past convictions will not necessarily be a bar to obtaining a position. If applicants have past convictions and disclose them, consideration will be given to the nature of the offence stated and its relevance to the post applied for. This will be considered by Registered Officers of the Council who specialise in the area of employment concerned. Disclosure will only affect those obtaining employment where the particulars of the offence make them an unsuitable candidate.

The Registered Officers will consider the following:

- whether the convictions or other matters revealed are relevant to the position in question,
- the seriousness of any offence revealed,
- the length of time since the offence or other matters occurred,
- whether the applicant has a pattern of offending behaviour or other relevant matters,
- whether the applicant's circumstances have changed the offending behaviour or the other relevant matters.

The failure to disclose such convictions could, however, be seen as a deliberate attempt to gain employment by deception, and as such would result in the withdrawal of any offer of employment.

How will the information disclosed by an applicant be checked?

If a candidate is successful in their application for a post requiring Disclosure, they will be required to authorise the Authority to apply for disclosure of information from the Disclosure & Barring Service (DBS).

The DBS is a central government agency which provides information on criminal records, and people banned from regulated activity with vulnerable groups, including children. The application for Disclosure is made by the Authority to the DBS, who undertake to issue a response within 1 to 3 weeks. The response is in the form of a Certificate of Disclosure.

As part of its agreement with the DBS, the Authority conforms to the Codes of Practice it publishes regarding disclosure of convictions, cautions, reprimands and warnings. Copies of the Code of Practice are available by visiting the Disclosure and Barring Service website.

Will a candidate be given the opportunity to explain?

Any matters revealed by a Disclosure that will affect a recruitment decision will be discussed with the candidate prior to a decision being made. Any dispute regarding the contents of the Disclosure will be referred to the DBS. Ultimately, it is the responsibility of the Registered Officer(s) to decide whether to offer the candidate a position.

How secure is Disclosed Information?

Disclosure contains sensitive personal data which must be handled suitably and carefully and only by those in the organisation who are entitled to see it in the course of their duties, i.e. the Registered Officers.

As part of the agreement for access, the DBS will only provide information at the request of, and to, specified officers who are registered with them by the Authority, referred to as 'Registered Officers'.

The Registered Officers must store confidential documents relating to Disclosure in secure conditions. These must be kept in lockable and non-portable storage containers. Keys or combinations for such storage units must not be freely available within the organisations, and access must be restricted to named individuals.

Those registered for Disclosure are:

1. The Head of People Management
2. The Human Resources Manager

It is an offence to disclose information provided by the DBS.

How long is information retained?

Once a recruitment decision has been made, the Disclosure Certificate and associated correspondence will be retained for a maximum of 6 months. This period allows for any dispute about the accuracy of a Certificate or a recruitment decision to be made and considered. In the case of a dispute, Certificate information may be retained for a period of 6 months after resolution of the dispute. For posts in registered services within Adult Social Care and Health, the retention period is 12 months. For posts in registered services within Children and Young People's Services, the Certificate is retained until the next inspection. The usual conditions in respect of storage and access remain in place during this period.

A record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken will be retained.