



The Monday Night Club  
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Registered charity number 1160646

## **The Monday Night Club DBS (previously known as CRB) checks and criminal convictions policy**

### **1 Scope and Purpose**

1.1 The Disclosure and Barring Service (DBS) has been established under the Protection of Freedoms Act 2012 and merges functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

1.2 This document outlines The Monday Night Club policy on the use of criminal record checks and recruitment of staff or volunteers with criminal convictions or those who are barred from working with vulnerable groups.

1.3 This policy applies to all volunteers and will be made available (see 5) to applicants at the outset of the recruitment process where a DBS request for disclosure of their criminal record will be required as part of the application process.

1.4 This policy refers to vulnerable groups including children and adults. A child is anybody under the age of 18. An adult is considered vulnerable during the time which they require services including; health care; personal care; social care; assistance with cash, bills and shopping; assistance with the conduct of their affairs and conveying (transport in relation to health, personal or social care provision).

### **2 Disclosure of criminal convictions**

2.1 It is The Monday Night Club policy to require applicants to disclose any 'unspent' criminal convictions as part of their application. Under the Rehabilitation of Offenders Act 1974 ex-offenders are not required to disclose to prospective employers, convictions defined as 'spent' under the Act. However certain posts, particularly those working with vulnerable groups, in positions of trust or sensitive areas are exempt from these provisions and in these cases all convictions must be declared and DBS clearance obtained prior to starting employment.

2.2 The Monday Night Club will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from volunteering at The Monday Night Club, the nature of a disclosed conviction and its relevance to the post in question will be considered. This is with the exception of; a person who has unspent convictions for violence, assault or damage to property, which are likely to be incompatible with work for The Monday Night Club or; a person who is barred from working with vulnerable groups. It is a criminal offence to employ a person in a 'regulated position' (see section 4) where they have been barred from working with vulnerable groups.

2.3 Where a conviction has been disclosed in an individual's application for a post at The Monday Night Club, a discussion will take place at the end of the interview regarding the offence and its relevance to the position. Failure to reveal information relating to unspent convictions will lead to withdrawal of an offer of employment, or termination of employment.

2.4 All volunteers are required to disclose criminal convictions acquired during employment at The Monday Night Club which may be relevant to their position or that related to violence, assault or damage to property. Examples of convictions relevant to positions include a driving offence for a driver position, theft or fraud for a finance position and convictions relating to vulnerable groups if working in regulated activity. Disclosures relating to vulnerable groups will be referred to a Designated Safeguarding Person who will consider whether a referral to the Independent Safeguarding Authority is necessary.

### **3 Disclosure and Barring Service**

3.1 The Monday Night Club complies with the DBS code of practice including the secure storage, handling, use, retention & disposal of DBS disclosures and disclosure information and with its obligations under the Data Protection Act.

3.2 Storage & Access - DBS disclosure information will not be stored on a personnel file but will be stored separately in lockable storage with access limited to those who are entitled to see it as part of their duties. A record will be maintained of all those to whom disclosure information has been revealed as it is a criminal offence to pass this information to anyone who is not entitled to receive it.

3.3 Usage - DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

3.4 Retention - Once a recruitment (or other relevant) decision has been made, DBS disclosure information will not be stored for longer than is necessary. This is generally for a period of up to six months to allow for consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep such information for longer than six months, consideration will be given to the Data Protection rights of the individual.

3.5 Disposal - Once the retention period has elapsed, The Monday Night Club will ensure that any DBS disclosure information is destroyed and while awaiting destruction, DBS disclosure information will be kept securely. A record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested the position for which the

disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken, will however be securely stored for monitoring purposes.

#### **4 Appointments requiring a DBS disclosure**

4.1 An appointee may be required to submit a standard DBS disclosure where they work in positions of trust which are defined by the Rehabilitation of Offenders Act Exceptions Order 1975.

4.1 An appointee will be required to submit an enhanced DBS disclosure request which includes a barred list check, where s/he will be working in 'regulated' activity with vulnerable groups as defined by the Safeguarding Vulnerable Groups Act 2006.

#### **4.3 'Frequency'**

'Frequent' is once a week or more on an on-going basis or four or more times in a single month or overnight (between 2am and 6am).

Frequent activity only applies where they take place in a single specified place e.g. visits to the same school. If activity is in a number of 'specified places (e.g. schools), but is infrequently in each, a DBS check will not be required even if the totality of work carried out in the various settings is frequent.

#### **4.4 Regulated Activity – Adults**

The new legal definition of regulated activity for adults no longer uses the term 'vulnerable adults' and no longer requires the activity to meet a minimum frequency threshold. The definition now focuses on the nature of activities, which if required by an adult, will define them to be vulnerable. Staff and managers of staff providing the following activities will be conducting regulated activity:

- Health care – any health care professional providing health care to an adult or anyone who provides health care to an adult under the supervision of a health care professional.
- Personal care – providing assistance, supervision or advice in relation to activities including eating and washing.
- Social care
- Assistance with cash, bills or shopping
- Assistance in the conduct of a person's own affairs
- Transporting an adult because of their age, disability or illness to or from their home and a place where they will receive health care, personal care or social care.

#### **5 Process**

5.1 If The Monday Night Club considers that a position meets the regulated activity definition and requires a DBS check, they must ensure applicants are aware that a DBS disclosure is required as part of the application process and arrange for a DBS check at the appropriate stage.

5.2 When submitting an advert for a volunteer position, The Monday Night Club should indicate that the post requires DBS disclosure.

5.4 The Monday Night Club may accept portability of DBS checks, which individuals may have from previous employers, as proof of satisfactory clearance when:

- the disclosure is at the correct level i.e. Standard / Enhanced / Enhanced + Barred list
- free from any offences that would prevent them being recruited
- and the individual has subscribed to the update service, which states that there is no change to the certificate.

5.5 The Monday Night Club will request a DBS as soon as the offer is made to the individual. The DBS form is to be completed online by the individual, identity checks (see appendix) will be verified by the senior team. The Home Office has revised identity checking guidelines and there may be a requirement to use an external ID validation service. Members of the transgender community may contact the DBS for a sensitive check which does not reveal their gender identity history. All subjects of a DBS disclosure request will be made aware of the DBS Code of Practice (see appendix B)

**5.6 From 17 June 2013, DBS will no longer issue disclosure certificates to employers**

5.7 Staff may wish to join the DBS update service if they are likely to require another check in the future. Applicants may sign up to the service if their check was issued after 17 June 2013, for a fee of £13 per annum, which is payable by the applicant.

This policy will be reviewed every year.

Name:.....

Signed:.....

Date:.....