

Criminal Record Checks Policy

February 2025

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1.0 Introduction

- 1.1 This policy sets out Oldham Council's approach to criminal background checks, which are undertaken for staff in job roles which have access to vulnerable groups, in line with the statutory criteria. Criminal Record Checks are currently provided by the Disclosure and Barring Service and are referred to as DBS checks. This Policy complies with the DBS Code of Practice
- 1.2 This policy applies to all employees who undertake a role which requires a criminal background check, and applicants who have been offered employment in such a role.
- 1.3 Oldham Council is committed to the fair treatment of existing and prospective employees. Subject to our responsibilities to protect children and vulnerable adults and commitment to safeguarding, the Council aims to treat all applicants and employees fairly.
- 1.4 This policy is non-contractual and as such Oldham Council may review, amend or withdraw this Policy from time to time in line with changes to employment legislation or organisational needs.
- 1.5 The Council use a company called Complete Background Screening (CBS) to conduct all DBS and Update Service checks.

2.0 Establishing the requirement for a criminal record check

- 2.1 Managers are responsible for determining whether a DBS check is required for the post, and what the appropriate level of check is, following the guidance provided by the Disclosure and Barring Service. There are different types of check available dependent on the area of work that an individual is involved in and the level of contact they will have with children and/or vulnerable adults. The Council undertakes Basic checks and Enhanced checks for regulated activities, depending on the nature of the role. Guidance for managers in establishing the need for a check accompanies this Policy.

3.0 Rehabilitation of Offenders Act 1974 (as amended)

- 3.1 The Rehabilitation of Offenders Act 1974 (as amended) outlaws discrimination against ex-offenders and is intended to prevent discrimination / unfair disadvantage to people with few / minor convictions.
- 3.2 Under the provisions of the Act, the Council can only request details of 'unspent' criminal convictions from new applicants for most jobs. The criteria for 'spent' and 'unspent' convictions are clearly defined in law; the period after which a conviction is 'spent' depends upon the nature of the offence. These periods are clearly outlined in the associated DBS guidance documents for reference.
- 3.3 However, there are some jobs which are exempt from the Act and for which the Council is able to require new applicants to disclose both spent and unspent convictions. These jobs are those which involve working with children and vulnerable adults, such as the elderly and disabled.

4.0 Recruitment

- 4.1 In accordance with the Rehabilitation Act 1974 (as amended), all new applicants are required to complete the declaration of unspent criminal convictions, cautions, reprimands and warnings on the Council's application form. Where the post is subject to a DBS check, applicants will be required to extend this declaration to include spent convictions.
- 4.2 Failure by an individual to provide accurate and truthful information at the time of completing the declaration will result in the withdrawal of offer of employment, or, where the employee has commenced, this will be investigated as gross misconduct through the Council's Disciplinary process, the outcome of which could be dismissal.
- 4.3 For posts which require a DBS Check, successful applicants will be required to complete a DBS Application form prior to starting work. The fee for this DBS check is paid for by the Council. DBS checks undertaken by a previous employer (with the exception of those done through the DBS update service, see section 5) will not be accepted.
- 4.4 Offers of employment are conditional upon receiving a DBS check which is deemed satisfactory by the Council (for posts which require this).
- 4.5 Under normal circumstances successful candidates (including those who have left the Council and are applying to re-join, irrespective of the amount of time which has passed since leaving and applying to re-join) will not be permitted to commence in post until completion of the full DBS process and receipt by the Council of a satisfactory DBS check. Any exceptions to this must be authorised by an authorised officer under the Council's Scheme of Delegation.
- 4.6 Having a spent or unspent conviction, caution, reprimand or final warning on a criminal record will not necessarily prevent the Council confirming an offer of employment (see Section 7: Positive Disclosures).

5.0 DBS Update Service

- 5.1 Oldham Council will use the DBS Update Service to undertake quarterly re-checks for all employees who work in social care. There is no requirement for staff in non-social care roles to be re-checked.
- 5.2 Where new recruits have personally subscribed to the DBS update service, which allows the portability of checks, their certificate will be checked online and accepted (subject to the check being for an equivalent sector). This will only be the case for applicants of posts outside of social care, as employees in

this group will require subscription to the Council's online DBS system for future re-checks.

- 5.3 Staff working in roles requiring re-checks will need to register with the DBS Update Service and maintain their subscription whilst employed by the Council. The cost of the service should be paid online annually by the employee and will be reimbursed to them through the council's Expenses Procedure. Instructions of how to set up the update service and reclaim the fee will be issued at the point of conditional employment offer.
- 5.4 Once the account is set up, CBS will run quarterly checks to ensure no changes have been made to the status of the DBS record. If there is a change to the DBS record, this will be picked up by the supplier when a re-check is run (the only information provided is that there has been a change to your certificate) and your manager will be informed. A further DBS check will then be carried out and actioned in line with the Council's Positive Disclosure Guidance.
- 5.5 Having a spent or unspent conviction, caution, reprimand or final warning on a criminal record will not necessarily lead to the termination of employment (see Section 7: Positive Disclosures).

6.0 Reporting during the course of employment

- 6.1 Employees are required to disclose to the Council details of criminal convictions, cautions or bindovers that are received, whether at home or abroad, during their employment. Managers should consult the HR Advisory Service for further advice if disclosures are made.
- 6.2 The disclosure must be made to the employee's line manager immediately and at most within 5 working days of the event. Failure to do so will be investigated as gross misconduct through the Council's Disciplinary process.
- 6.3 Having a spent or unspent conviction, caution, reprimand or final warning on a criminal record will not necessarily lead to the termination of employment (see Section 7: Positive Disclosures).

6.0 Positive Disclosures

- 6.1 Positive Disclosures are disclosures containing details of an individual's criminal conviction, caution or bindover. The Council's process for handling Positive Disclosures is outlined in the accompanying guidance.
- 6.2 In determining whether an individual's criminal conviction, caution or bindover will lead to the withdrawal of an offer of employment or termination of employment, the Council will investigate to determine whether it believes such offences affect a person's suitability to work with children and/or vulnerable adults. In doing so each positive disclosure will be considered on a case by

case basis subject to the nature, relevance, circumstances and background of the offences committed.

- 7.3 Oldham Council is not obliged to await the conclusion of any criminal investigation or proceedings before taking action. Where it comes to the attention of the Council that an allegation is made against an employee in respect of a safeguarding matter, the Council will undertake an investigation, taking professional advice from the Multi Agency Safeguarding Hub, to decide the appropriate course of action.
- 7.4 If a positive disclosure is received (or a relevant event is reported as outlined in Section 6.0) for an existing employee the Council reserves the right to suspend the employee on full pay, or to temporarily amend the employee's duties or role to ensure the individual does not have access to children and/or vulnerable adults pending the outcome of an investigation. Any such action will not determine or prejudice the outcome of the investigation.
- 7.5 In addition, the Council reserves the right to take action to permanently change the employee's duties or role in the event that, following the Council's process for handling positive disclosures, a safeguarding risk is identified. Actions described in 7.4 and 7.5 will be undertaken in accordance with the Council's Disciplinary Policy and Procedure.

8.0 The Duty to Refer

- 8.1 In recognition of the Council's commitment to safeguarding, and in line with the DBS Harm Test (and subject to approval from a HR and Organisational Development), the Council will make a referral to the Disclosure and Barring Service if it is believed that an employee has caused harm or poses a future risk of harm to vulnerable groups (or may have done so had they not left, resigned, retired or been made redundant). This will include circumstances where, as a result of this belief, the Council;
- has dismissed an employee
 - has removed an employee from regulated activity (NB a withdrawal from regulated activity does not necessitate an automatic referral)
- 8.2 A referral will be made at the point the Council is satisfied that there is evidence to support the allegation that a person has endangered, or poses a future risk of endangering, children or vulnerable adults. Whilst this ordinarily will be once any concerns raised have been substantiated by an internal disciplinary investigation (not when the allegation is first made or at suspension stage), the Council may determine not to wait until the conclusion of a disciplinary process before making a referral to the DBS.
- 8.3 Where an internal investigation finds insufficient evidence to show endangerment, but there are still concerns about the individual (whether or not they remain in council employment), the Council reserves the right to make a referral to the Disclosure and Barring Service.

9.0 Storage and Access

- 9.1 All information provided under this Policy will be treated in the strictest confidence. It will only be seen by appropriate individuals who require this to undertake their duties.
- 9.2 The Council fully complies with the DBS Code of Practice regarding the correct storage, handling, use, retention and disposal of disclosures and disclosure information.
- 9.3 All information, provided by the DBS, candidate or employee will be handled in accordance with the Council's obligations under the Data Protection Act 1998 and the Council's own Information Security Policies.
- 9.4 A result received as a part of an application submitted electronically will not be reproduced in such a way that it infers that it is a certificate issued by DBS.

10.0 Supporting Guidance

- 10.1 This policy is accompanied by the following supporting guidance and documents, which can be accessed on the intranet, these documents are non-contractual and subject to change from time to time: [Disclosure and barring service guidance](#)

Record of document review and amendments

Version	Author	Changes	Approval Forum	Date approved
1.0	Elisabetta Coccia	New Guidance	LNJCC	January 2017
2.0	Elisabetta Coccia	Inclusion of update service information	OCCM	August 2018
3.0	Elisabetta Coccia	Update to the process for the DBS update service	OCCM	16 September 2019
4.0	Stephen Keogh	Update to the process internally		18 February 2025

Appendix 1

Setting Up a DBS including an Updating Service Account

Managers to email central.recruit@oldham.gov.uk requesting a new DBS check.

Please attach copies of the applicants ID documents, the manager should state in the email: **'I certify that this is a true copy of the original documentation'**



The recruitment team will make the application for the DBS check to be conducted via our third party provider Complete Background Screening (CBS).



CBS will email the jobholder requesting them to complete the application.

It is the jobholders responsibility to read the full contents of the email and ensure they complete the application in its entirety.

If an application includes the Update Service the jobholder must complete that part of the application and pay the £16 fee, this can be claimed back through expenses. Failure to complete the full application will result in a new DBS having to be completed and the payment of the associated costs.



The DBS Update Service checks a jobholders status every quarter and this lasts for a year. The jobholders will be contacted by CBS to renew the Update Service one month before expiry and they must pay the fee of £16, this can be claimed back through expenses.

Appendix 2

DBS Acceptable ID Documents

The applicant must be able to show:

One document from Group 1

Two further documents from either Group 1, or Group 2a or 2b

At least one of the documents must show the applicant's current address.

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard - (full or provisional)	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued within 12 months of birth	UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence photocard - (full or provisional)	All countries outside the EU (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) - paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months

Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, for example pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement, for example Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid

