

Disclosure and Barring Service (DBS) Checks – Peer Support Plus[®]



Peer Support Plus CIO is a Charitable Incorporated Organisation that benefits only Adults (defined as persons aged 18 and over). We call our Charity's beneficiaries Peers. Some of our Peers may be Adults at Risk, see *Safeguarding Policy*¹.

Peer Support Plus is currently managed and operated by Volunteers who, by the very nature of Peer Support, may also be Peers and thus potentially Adults at Risk.

A person who enters a *Volunteer Agreement*¹ with us does not have a contract of employment like an Employee. The level of DBS Check applied depends upon the Peer Support Plus Role not the candidate's Volunteer or Employee status.

As Peer Support Plus² applies for criminal records checks, we must have a **Statement of Policy on recruiting ex-offenders** and show it to any applicant who asks for it. Our Policy is stated within this document, see below.

Definition of a Volunteer for DBS purposes

For DBS purposes, the definition of a volunteer is set out in the Police Act 1997 (Criminal Records) Regulations 2002:

"If a role is eligible for a Standard or Enhanced DBS Check, the charity [Peer Support Plus] must ensure the prospective volunteer meets the criteria set out in the definition below before submitting a free-of-charge DBS application:

A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third-party other than, or in addition to, a close relative.

If the role satisfies both parts of this definition the 'volunteer' box on the application form can be marked and the application will be free of charge.

Someone carrying out unpaid work as part of a course of study that would lead to a qualification isn't considered to be a volunteer for DBS purposes.

Work experience which is intended to make someone more employable is also not classed as voluntary work."

DBS – Eligibility guidance

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

There is no eligibility requirement for a Basic DBS Check – you can apply for your own.

If Peer Support Plus considers it is appropriate to ask a person to apply for a Standard or Enhanced DBS Check then Peer Support Plus is legally responsible for making sure the role is eligible for that level of disclosure.

DBS checks for Peer Support Plus roles

In the nature of Peer Support Plus some Peers, would-be Peers, Volunteers and Employees may already be, or may become, Adults at Risk. It may not be possible to identify who is an Adult at Risk at any given time.

Consequently, those engaged in a Peer Support Plus Role must evidence a current DBS Check at the level appropriate to the Role(s) they are performing.

The level of DBS Check required will depend on the nature of the Role.

The appropriate level can be established by any prospective Volunteer or Employee using the Government's page 'Find out which DBS check is right for your employee' <https://www.gov.uk/find-out-dbs-check>

Basic DBS Check

Will disclose details of any unspent (as defined by the Rehabilitation of Offenders Act 1974) convictions and conditional cautions. Anyone can apply for a Basic Disclosure Check themselves at <https://www.gov.uk/request-copy-criminal-record>, or via an organisation registered with the DBS to submit Basic DBS Checks (known as a Responsible Organisation or an Umbrella Body).

A Basic DBS Check may be required for Peer Support Plus Roles that are not eligible for DBS Check at higher levels, for example: **Trustee**.

Peer Support Plus may ask you to apply for your own Basic DBS Check. There is a fee (currently £18 for a Basic DBS Check) which applies to both Employees and Volunteers. If we ask you to request your own Basic DBS Check we will reimburse the fee. Please claim reimbursement by completing our *Expenses Claim Form*¹ and *Bank Details for Reimbursement*¹.

Standard DBS Check

Will disclose details of spent and unspent convictions, cautions, warnings and reprimands. Standard DBS Checks should only be applied for when an individual is taking on a role or carrying out activities mentioned in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 <https://www.legislation.gov.uk/ukxi/1975/1023/contents/made>.

A Standard DBS check will be required for any Volunteer or Employee who has access to Peers in the course of their normal duties but not in an ongoing way. This would include, for example: **Delivery Team Administrator**.

You can't apply for your own Standard DBS check, only Peer Support Plus or it's recruiter can apply via an organisation registered with the DBS (known as a Registered Body or an Umbrella Body). There is a fee (currently £18 for a Standard DBS Check) which applies to Employees but is free of charge for Volunteers.

Enhanced DBS Check

Will disclose the same information as a Standard DBS Check but can also include other non-conviction information that the police believe is relevant to the 'workforce' applied for. It contains full details of a criminal record including cautions, warnings, reprimands, spent and unspent convictions.

Enhanced DBS Checks should only be applied for if a role meets the definition of 'work with children' [the child workforce] and/or 'work with adults' [the adult workforce] or falls into the 'other workforce'.

You can't apply for your own Enhanced DBS check, only Peer Support Plus or it's recruiter can apply via an organisation registered with the DBS (known as a Registered Body or an Umbrella Body). There is a fee (currently £38 for an Enhanced DBS Check) which applies to Employees but is free of charge for Volunteers.

Enhanced DBS Checks apply to Roles providing care, supervision, support or therapy to adults at any time, either on three days in any 30 days or at least once a week on an ongoing basis. This will include every volunteer **Facilitator** and includes roles that supervise those, for examples: **Delivery Team Lead, Mentor.**

Enhanced and Barred List DBS Check

If one of our roles were eligible, this check would disclose the same information as an Enhanced DBS Check and whether or not the applicant is on the Adults' Barred List.

If someone is included on the Adults' Barred List, it means that they must not carry out 'regulated activity' within the workforce they are barred from [the adult workforce] and Peer Support Plus must not deploy them in that Role.

The GOV.UK Department for Health in its booklet 'Regulated activity (adults)' states:

"Members of peer support groups (for example, Alcoholics Anonymous), are not in regulated activity, even if the group is directed or supervised by a health care professional."

None of the current roles at Peer Support Plus meet the Government's eligibility criteria for DBS Checks at levels which include the Adult Barred List. See the Government's "DBS – Eligibility guidance" (url above).

Statement of Policy on recruiting ex-offenders

Peer Support Plus has adopted the GOV.UK **DBS sample policy on the recruitment of ex-offenders.**

<https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders>

Peer Support Plus will comply with the GOV.UK **DBS Code of Practice.**

<https://www.gov.uk/government/publications/dbs-code-of-practice>

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Peer Support Plus complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.
- Peer Support Plus undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Peer Support Plus can only ask an individual to provide details of convictions and cautions that Peer Support Plus are legally entitled to know about.
- Where a DBS certificate at either Standard or Enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended) Peer Support Plus can only ask an individual about convictions and cautions that are not protected.
- Peer Support Plus is committed to the fair treatment of its Volunteers and Employees, potential Volunteers and Employees or beneficiaries of the charity, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Peer Support Plus makes this written policy on the recruitment of ex-offenders available to all DBS applicants at the start of the recruitment process.
- Peer Support Plus 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.
- Peer Support Plus select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the role concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- Peer Support Plus ensures that all those in Peer Support Plus who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Peer Support Plus also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, for example: The Rehabilitation of Offenders Act 1974.

- At interview, or in a separate discussion, Peer Support Plus 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 Peer Support Plus withdrawing an offer of the role.
- Peer Support Plus makes every subject of a criminal record check submitted to DBS aware of the existence of the DBS Code of Practice and makes a copy available on request.
- Peer Support Plus undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of the role.

Notes ¹ available on our website peersupportplus.org

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References

GOV.UK Disclosure and Barring Service

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

GOV.UK Disclosure and Barring Service – Booklet:

DBS Checks: Working with Adults in the Charity Sector

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789060/ENGLISH - CCS156 CCS0219642870-002_Charity_Roles_Adults_Web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789060/ENGLISH_-_CCS156_CCS0219642870-002_Charity_Roles_Adults_Web.pdf)

GOV.UK Department of Health – Booklet:

Regulated activity (adults)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

Unlock – an independent charity for people with convictions

<https://www.unlock.org.uk/>

Leeds City Council DBS Team – can process Standard and Enhanced DBS Checks

<https://dbs-ub-directory.homeoffice.gov.uk/org-page.php?id=2765§ors=11&location=&services=&name=&sort=>

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