



Disclosure and Barring Service Policy and Procedures

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Next review due by June 2019

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DOCUMENT CONTROL

| Date | Version | Reason/ key changes | Author |
|--------------|----------------|--|-----------------------------------|
| 23 June 2016 | 1.0 | Board approval, final version | Paul Fairhurst, Tanya Knowlton |
| June 2017 | 1.1 | Scheduled policy review <ul style="list-style-type: none"> • Change definition of “Abuse” in glossary to clarify that it includes neglect (and replacement throughout of “abuse or neglect” with “Abuse” • Defined term “Adult” replaced by “Vulnerable Adult” (see definition for explanation) • Relief Cooks added to list of relief crew requiring DBS checks • Add policy permitting emergency recruitment of relief crew, BM’s, CA’s and Watchleader without a DBS check, provided a written exemption is granted and stipulated conditions are met • Reflect status of DBS checks for BM’s, CA’s and Watchleaders and adjust future procedures • Reference to Designated Safeguarding Lead, Onshore Safeguarding Officer, Head of Ship Operations and Crewing Co-ordinator in FAQ 5. | Paul Fairhurst |
| May 2018 | 1.2 | Addition of procedures regarding DBS Privacy Policy and related declarations. Other minor changes | Paul Fairhurst |
| August 2018 | 1.2 | Updated in line with JST Inclusive & Accessible Communications Guidelines and Policy | Robbie Crow |

Introduction

About this document

This document sets out the JST Disclosure and Barring Service Policy and Procedures. It should be read in conjunction with the Trust's Safeguarding Policy, Procedures and Guidelines.

At the JST we strive to continually improve our key policies to ensure they align with industry best practice, and the constantly changing world we operate in. As such, this policy will be reviewed periodically (preferably annually and at least every 3 years) and updated as necessary.

This document replaces entirely the June 2017 version of the Policy.

Key terms used in this document

The following key words and phrases are used in this document.

Abuse is a form of maltreatment of a Young Person or Vulnerable Adult. Somebody may abuse a Young Person or Vulnerable Adult by inflicting harm, or by failing to act to prevent harm. Young Persons or Vulnerable Adults may be abused in a family or in a community setting by those known to them or, more rarely, by others. They may be abused by an adult or adults, or another child or children. Abuse includes neglect (which is the persistent failure to meet a Young Person or Vulnerable Adult's basic physical and/or psychological needs, likely to result in the serious impairment of health or development).

Needs of care and support refers to an adult who is in, or may be in need of, community care services by reason of physical or mental impairment or illness; and who is, or may be unable, to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Significant harm means ill treatment (including sexual abuse and forms of ill treatment which are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and/ or the impairment of physical, intellectual, emotional, social or behavioural development.

Vulnerable Adult means an adult with needs of care and support. The Trust is aware that the term "Vulnerable Adult" ceased to be used in legislation when the Care Act 2014 came into force and was replaced by the term "Vulnerable Adult". The 2016 version of this Policy adopted the term "Adult". However, this version of the Policy reverts to the term "Vulnerable Adult" reflecting concerns raised by users of the Policy that terms used within the Policy should be clear and unambiguous.

Young Person or Young People means anyone under the age of 18 (eighteen).

Background

The DBS (formerly the CRB Agency) was set up by the Home Office to improve access to criminal record checks for employment related purposes and to help organisations make safer recruitment decisions; this applies to staff and crew with access to Young People and Vulnerable Adults or other positions of trust that fall within the Rehabilitation of Offenders Act 1974. The DBS and the Independent Safeguarding Authority (ISA) both became part of the Disclosure and Barring Service (DBS) in December 2012.

The DBS Code of Practice requires the Trust to have a written policy and procedure on the recruitment of people with a criminal record and to ensure anyone applying for a job at the Trust receives a copy. The Trust is committed to the principle of equal opportunities and, subject to the overriding consideration of protecting children; we will endeavour to prevent unfair discrimination against those with a criminal record.

There are two different levels of DBS Certificate:

- **Standard Certificates** contain details of all convictions on record (including spent convictions) plus details of any cautions, reprimands or warnings. Information obtained on the government lists is of people considered unsuitable to work, or gain access to sensitive information relating to children/young people.
- **Enhanced Certificates** involve an extra level of check with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Children, Schools and Families and Department of Health, where appropriate.

For these purposes:

- A criminal record is a record of a person's convictions, whether spent or unspent, under the Rehabilitation of Offenders Act 1974, cautions, reprimands, final warnings and other non-conviction information such as acquittals.
- A criminal conviction is a finding of guilty by a criminal court. Criminal convictions form part of the criminal record.
- Spent convictions happened some time ago and normally no longer need to be revealed. The Rehabilitation of Offenders Act 1974 gives people with criminal records the right not to disclose them after a rehabilitation period. However, there are exemptions and the JST has the right to ask employees and those offered employment for such information.

Policy Statements

The Jubilee Sailing Trust:

- has a mission to give people of mixed abilities and circumstances the freedom to explore their ability, potential and place in the world through inclusive adventures at sea. Our voyages change lives by improving self-esteem, building confidence, and providing fantastic leadership and life skills. To do that we seek to create a safe and welcoming environment, where people can have fun and develop their skills; and where we treat everyone with respect and celebrate their achievements;
- actively seeks to ensure that all JST voyages and activities are run to the highest possible standards of safety and welfare;
- believes that living a life that is free from Abuse is a fundamental right of every person;
- recognises its responsibility to safeguard Young People and Vulnerable Adults from the risk of and/ or actual Abuse;
- acknowledges that when Abuse does occur, it needs to be dealt with swiftly, effectively and in ways that are proportionate to the concerns raised;
- recognises that safeguarding Vulnerable Adults and Young People from the risk of and/ or actual Abuse is the responsibility of everyone, not just those who work with them;
- is committed to implementing the Disclosure and Barring (DBS) procedures and arrangements;
- will comply with the DBS Code of Practice and National Care Standards guidance regarding the correct handling, use, storage, retention and disposal of Certificates.

The JST will conduct DBS Checks with regard to the following, by virtue of the fact that their role with the Trust entails a position of authority and trust and they come into regular contact with Vulnerable Adults or Young People:

- all permanent crew;
- all relief Medical Purser, First Mates, Second Mates, Third Mates, Cooks and Bosuns;
- all Bosun's Mates and Cook's Assistants;
- all Watch Leaders;
- the Designated Safeguarding Lead, onshore Safeguarding Officer and any shore based staff who have access to the medical records of Vulnerable Adults or Young People or to medical reports.

In circumstances where it is necessary to recruit at very short notice (and without time to conduct a DBS check):

- a relief Medical Purser, First Mate, Second Mate, Third Mate, Cook or

- Bosun;
• a Bosun's Mate, Cook's Assistant or Watch Leader;

the individual may be recruited provided a written exemption from this policy is obtained in advance from either the Chief Executive Officer or the Designated Safeguarding Lead, and such exemption should only be granted if there is a written confirmation from the individual to be appointed stating that they have read and understood this policy and the Trust's Safeguarding Policy and Guidelines.

DBS checks will be repeated every three years on a rolling basis.

Procedures

Recruitment of staff

Job applicants for a role listed in the preceding section will be asked at interview stage whether they agree to the Trust applying for a DBS Certificate. The information obtained will be used to help establish whether that person has a background that might make him/her unsuitable for the job or voluntary position in question. The forms of unsuccessful applicants will be destroyed after a period of six months.

If a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with a representative of the Trust to discuss the conviction(s) and circumstances. Having a criminal record will not necessarily bar applicants from working at the Trust. This will depend on the nature, circumstances and background of the offence, and the time elapsed since the offence. However, failure to reveal information directly relevant to the position sought could lead to the withdrawal of any offer of employment.

Check on staff & crew recruited from abroad

If an applicant has not previously lived in the UK, no purpose will be served by seeking a DBS check on arrival. The person may not have a criminal record in this country, nor will he/she appear on List 994 or the Protection of Children's Act List. The Trust will comply with the National Minimum Standards recommendations for the recruitment of staff from overseas. A local police/embassy check will take place for any overseas staff and crew.

Bosun's Mates, Cooks Assistants and Watch Leaders

It became JST policy to conduct DBS checks with regard to Bosun's Mates, Cooks Assistants and Watch Leaders in June 2016 (reflecting guidance received from the Southampton Local Adult Safeguarding Board and Local Children Safeguarding Board). A large number of checks were conducted in the 12

months following that policy change. Subsequently, DBS checks are to be conducted on a case by case basis as and when individuals book onto voyages.

Renewal of DBS Certificates

The JST will recommend to individuals that they should apply for the DBS update service; this will negate the need to renew the DBS certificate whilst volunteering for the JST. This is free for volunteers.

Storage and access regarding staff

DBS Certificate information will be kept in a locked cabinet with access strictly limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it. The JST will not hold copies of DBS certificate for volunteers. Once received the original must be sent to the office for confirmation, the certificate will then be returned to the volunteer.

Usage

Certificate information will be used only 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, we retain DBS Certificate information generally for a period of up to six months. This is to allow time to consider and resolve any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep the information for longer, we will consult the DBS, taking data protection and human rights issues into consideration.

Disposal

Once the retention period has lapsed, any Certificate information will be destroyed by secure means, i.e. by shredding, pulping or burning. We will not keep a copy of the Certificate or record its contents. We may, however, 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 it was requested, the unique reference number of the Certificate and the details of the recruitment decision taken.

DBS Privacy Policy

In 2018, following the implementation of the General Data Protection Regulations the DBS implemented a Standard/ Enhanced Disclosure Applicants Privacy Policy. Pursuant to that privacy policy, applicants must be made aware of

the policy and record that they have both read and understood it before they submit their DBS application to JST. Accordingly, such DBS applications must contain the following declaration by applicants:

“I have read the Standard/Enhanced Check Privacy Policy for applicants <https://www.gov.uk/government/publications/dbs-privacy-policies> and I understand how DBS will process my personal data and the options available to me for submitting an application.”

After 14th May 2018, ASTO (which acts as Umbrella Body for the processing of DBS applications) will not be able to process a DBS application if that declaration is not received with the application form.

Accordingly:

- from 14th May 2018, JST must submit to ASTO a copy of the applicant’s DBS Privacy Policy declaration with the applicant’s signature, printed name, date and the reference number of the form to which it relates; and
- JST must retain that applicants DBS Privacy Policy declaration for 3 months from when the application is submitted to DBS.

Appendix A: Frequently Asked Questions

1. How long does it take to receive my DBS Certificate?

We will send you an application form to complete; to the form will be checked and we will verify your identity. On average the process can take 3-4 weeks (but may take longer if you have lived at various addresses).

2. What do I receive from the DBS?

You will receive a certificate from the DBS stating whether or not you have a police record and, where appropriate, will confirm that your details have been checked against the list of those banned from working with vulnerable adults or children. The original DBS certificate must be sent to the Trust and your records will be updated.

3. What happens if I have a previous conviction(s)?

Having a criminal record will not necessarily stop you from working at the JST. This will depend on the nature of your work, the circumstances and background of the offence(s) and the time elapsed.

4. What happens if I have a criminal conviction during employment/Volunteering?

It is important, if you have a criminal conviction, that you disclose this information either to the Chief Executive or the Chair of the Trust as soon as possible. You may be asked to attend an interview to explain the background and circumstances regarding the conviction. Failure to reveal information directly relevant your role may lead to disciplinary action.

5. Who will know about my criminal record?

If a criminal record is revealed through a DBS check, the CEO and Designated Safeguarding Lead and Onshore Safeguarding Officer and (for permanent and relief crew) Head of Ship Operations and Crewing Co-ordinator will be informed of the details of the convictions, and any agencies with which the Trust is obliged to share that information (ie if you have applied to work with children when banned from doing so).

6. The information on my Certificate is wrong - what can I do?

If you think that any information contained on your Certificate is wrong, please contact the DBS Certificate Dispute line on 0870 9090 778 who will advise on their dispute procedures.

7. Can I refuse to apply for a Certificate?

The Trust is obliged to insist on a DBS Certificate from those applicants and members of staff/crew / volunteers and watchleaders for whom a DBS check is considered necessary.

8. How long are Certificates valid?

A Certificate carries no period of validity. The information it contains reflects the position at the date of its issue. The closer this date, the more reliance can be placed on its content.

9. Do all volunteers need to obtain a Certificate?

All seafaring volunteers (Bosuns Mates and Cooks Assistants) are required to apply for a DBS check (or local equivalent).

Shore side volunteers may be required to apply for a DBS check if their volunteer role with the Trust entails a position of authority and responsibility as regards Vulnerable Adults or Young People. The Trust will use its discretion about whether or not it is required.

10. Do crew from overseas need to be checked?

Yes. Overseas crew will be treated the same as any new employee. The Trust will comply with the National Minimum Standards recommendations for the recruitment of staff from overseas. A local police/embassy check will take place for any overseas staff and crew

11. How long do crew newly arrived from overseas need to live in the country before a Certificate is carried out?

Crew should contact their embassy to seek a letter of good conduct. An enhanced DBS Certificate will be required after 12 months.

12. Do watch leaders need to be DBS checked

Yes, because their role on board puts them into a position of authority and responsibility and brings them into regular contact with Vulnerable Adults or Young People.