

Disclosure and Barring Service Outcomes

Bracknell Forest Council Policy Statement
November 2022

- 1.1 Individuals who offer their accommodation under the Homes for Ukraine scheme must undertake a DBS check if they are living in the property. This is set out clearly within the [Government guidance](#) and includes the requirement for a DBS check for all people 16 or older living in the property where Ukrainian guests will stay. The guidance states a basic DBS is suitable where only adults will be hosted. An Enhanced check is required if one or more children will be arriving, or if an adult requires additional support due to age, disability or illness.
- 1.2 The Government guidance however **does not** currently define the actions that should be taken if a DBS check returns information related to previous criminal activity. Therefore, the council sets out within this statement a standard process to follow.
- 1.3 The following information is included within the return of a DBS certificate:
 - **Basic DBS check:** Contains any convictions or cautions that are unspent. A basic certificate will contain details of convictions and cautions from the Police National Computer (PNC) that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.
 - **Enhanced DBS check including barred list:** Will contain details of all spent and unspent convictions, cautions, reprimands, and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation (summarised in 1.4 and 1.5) and also includes a check of information held by local police forces. It will also include a check of the Disclosure and Barring Service's children and adults barred lists – a list of individuals who are barred from working with children or vulnerable adults.
- 1.4 A caution will only appear if it was made within the last 6 years (or last two years if committed when under 18)
- 1.5 A conviction will only appear if it was made within the last 11 years (or 5.5 years if committed when under 18).
EXCEPT: A number of convictions will always be included ([full list available online](#)), regardless of when they happened including:
 - certain sexual offences
 - offences of violence such as ABH, GBH, affray and robbery (but not common assault)
 - offences relating to the supply of drugs (but not simple possession)
 - safeguarding offences.Convictions will also always be included if there is more than one, or if it resulted in a custodial sentence.
More information on when a conviction or caution becomes spent is [available online](#).
- 1.6 The qualifications set out within 1.4 and 1.5 mean that only relevant risks will be included in a DBS certificate. It would be reasonable to assume that the requirement to conduct a DBS check is an indication that the information they return is relevant to the role the host will be undertaking.
- 1.7 Ukrainian guests arriving are considered vulnerable for several reasons, including that they are unlikely to know how the UK public services system works, there may be language barriers and that many will not initially be financially independent. Whilst

welfare checks will be scheduled, they will also be largely unsupervised in the properties.

- 1.8 If the council is notified that a sponsor has failed their DBS check the sponsor will be asked to make available the original certificate as well as photographic ID to the council by visiting the Council's Time Square offices in person. Exact arrangements and a point of contact will be confirmed in the event this is required. On arrival a Council member of staff will then take a copy of both the certificate and photographic ID, which will then be stored securely and disposed of in line with GDPR requirements for personal and sensitive information. If the sponsor refuses to make this visit to share the original certificate the offer of accommodation cannot proceed.
- 1.9 Given the potential vulnerabilities of guests if the sponsor has any charges or criminal convictions these will be assessed by an officer panel on a case-by-case basis. Crimes involving violence, sexual assault, hate crime and other safeguarding offences may automatically be grounds for stopping the accommodation offer but will still be considered on a case-by-case basis. This approach must be applied equally to all over 16s related to a Homes for Ukraine visa application.
- 1.10 The panel will meet virtually, as needed, and consist of the:
- Head of Community Safety
 - Head of Safeguarding
 - Assistant Director: Chief Executive's Office
 - MASH Manager
 - Resourcing Manager, HR.

The panel may check and cross reference its own records (e.g., children's services) and those of partner agencies (e.g., the Police) when considering failed DBS checks as required under Section 115 of the Crime and Disorder Act 1998.

The officer panel's recommendation will be shared for endorsement by email with a councillor panel made up of:

- Executive Member for Council Strategy and Community Cohesion
- Executive Member for Adult Services, Health and Housing
- Executive Member for Children, Young People and Learning
- Executive Member for Culture, Delivery and Public Protection
- Chair of Licensing and Safety Committee.

The decision of the councillor panel will be final with no appeals process.

- 1.11 Where an offer of accommodation cannot proceed, the local authority will work with the Ukrainian arrival directly to seek alternative accommodation.

Non-engagement with a DBS check

- 2.1 The guidance is clear that the £350 'thank you' payment to sponsors who offer their accommodation under the Homes for Ukraine scheme should not be issued until the property checks are satisfactory. The council considers this to be both the DBS check and accommodation check to ensure a location is suitable.
- 2.2 DBS checks must be initiated by the council as soon as possible following the receipt of the details of the application from the DLUHC. However, it is recognised that the DBS certificate will not always be received prior to the arrival of the Ukrainian guests. In these circumstances, the council will request a self-disclosure on behalf of all people 16 or older.

- 2.3 The guidance is clear for the requirement of the council to initiate a DBS check, but not for the requirement for the host and all other adults to engage in the process. The council however would not consider it appropriate for a Ukrainian to reside in a property where a DBS check is not underway, and a self-disclosure has not been completed.
- 2.4 Therefore, following the initial request to complete a DBS check the council will provide two further reminders, the first via email one week after the original request. The second via telephone, two weeks after the original request.
- 2.5 Should the guest arrive during this time period; the self-disclosure will be requested. This does not replace the need for completing the full DBS check.
- 2.6 If there are specific reasons why the DBS check cannot be completed, the council must be notified as soon as possible.
- 2.7 If, one week after the second reminder, any individual in the property still has not completed a DBS check, an advisory email will be sent to confirm that **the council will not be able to proceed with the accommodation request**.
- 2.8 Where a sponsor declines to or delays completing the self-disclosure form the council will also not proceed with the accommodation offer. Self-disclosure forms should be return within a week of having been sent or sooner if guests are arriving eminently.
- 2.9 Where an offer of accommodation cannot proceed the local authority will work with the Ukrainian arrival directly to seek alternative accommodation.

Accepting previous DBS checks and the update service

- 3.1 Some sponsors may already have completed a DBS check linked to a past role or employment. These may be registered on the DBS update service making them more transferable for other organisations. Whilst this is a useful indication for the outcome of a more recent check, in the majority of cases, a new check will need to be conducted.
- 3.2 A new check is usually required because the Disclosure and Barring Service (DBS) has [specific guidance](#) on when a DBS status can be checked through the update service. In order to use an existing DBS certificate through the online update service, the following points must **all** be satisfied.
- The applicant's original certificate must be seen.
 - The applicant's ID must be seen to confirm their identity.
 - The applicant must provide consent.
 - The same level of DBS check must be required (standard or enhanced)
 - The DBS certificate must only contain the exact workforce as required for the current role as sponsor.
- 3.3 If a certificate registered on the update service does not meet the criteria in 3.2, for example if the original certificate for an Enhanced DBS check also includes a check against the adult workforce (and a vulnerable adult will not be staying at the property), then the council is unable to access the existing certificate. The individual will be required to complete a new DBS application.

3.4 A previous DBS certificate cannot be accepted under any circumstances unless it is registered on the update service and meets the requirements set out in 3.2. This is because the information will no longer be up to date.

Change to the legislation underpinning the Disclosure and Barring regime, coming into effect as of 18 November 2022

3.5 New Legislation now enables any potential sponsor on the Homes for Ukraine scheme in England and Wales to be eligible for an Enhanced DBS check, with a check of the relevant adults' and/or children's barred list. This amendment is to give local authorities access to a fuller range of information to inform their decisions on the suitability of sponsors

3.6 To ensure the safeguarding of vulnerable Ukrainians, local authorities should undertake Enhanced DBS checks (with a check of the relevant barred lists) in the following scenarios:

- On sponsors (and any other household member aged 16+) of eligible minors where there is a family relationship between sponsor and child, then an Enhanced with children's barred list check in the 'Other' workforce should be undertaken.
- On sponsors (and any other household member aged 16+) of eligible minors where there is no prior family relationship between sponsor and child, then an Enhanced with children's barred list check in the 'Child' workforce should be undertaken
- On sponsors (and any other household member aged 16+) of a family group including at least one guest who is a child (i.e., under 18) and is not related to the sponsor, an Enhanced with children's barred list check in the 'Child' workforce should be undertaken; or
- When an adult guest requires additional support, due to age, illness or disabilities and it is proposed that a member of the sponsoring household (aged 16+) provides them with this support, then an Enhanced DBS check (including a check of the adults' barred list) should be undertaken on the specific member of the sponsor's household who is proposed to provide that support. This would be done under the 'Adult' workforce

3.7 In all other cases, including if guests are being rematched with a new sponsor, local authorities should use their judgement on whether to apply for an Enhanced DBS check (with a check of the relevant barred list) on sponsors and household members aged 16+. If the local authority decides that an Enhanced DBS check is not required, a Basic DBS check should be conducted on sponsors and household members aged 16+. This will strengthen safeguarding arrangements and is a proportionate response to the unique circumstances of the scheme.