

# Disclosure and barring policy

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Owner: **Assistant Director, People Services**  
Responsible work team: **Policy, Pay and Reward**

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# 1 Introduction

- 1.1 This policy sets out the Brigade's approach to the vetting of all staff via the Disclosure and Barring Service (DBS). It relates to checks carried out upon recruitment and during their employment, including any transfers or promotions and rolling three yearly reviews. Further information can also be found on the [LFB Vetting process page](#) on hotwire.

## 2 The Disclosure and Barring Service (DBS)

- 2.1 The Disclosure and Barring Service (DBS) is an executive agency of the Home Office and carries out criminal record checks. It is responsible for providing information to help professional bodies and employers ensure safer and more informed recruitment and ongoing employment by checking police records and where appropriate barred list information. These checks allow fire and rescue services to understand and mitigate risk, to protect their colleagues and the public, and support high standards of integrity.
- 2.2 Legislation prohibits individuals on a barred list from undertaking certain kinds of paid or voluntary work with children or vulnerable adults which constitutes a regulated activity (please see section 5). A person who is barred from working with children or vulnerable adults will be breaking the law if they seek to or engage in work or volunteer with such groups. The DBS holds a list of individuals who are barred from working with children or vulnerable adults to enable employers to check the suitability of employees and volunteers. Any organisation that recruits for roles involving regulated activities have a legal responsibility to not employ anyone who is barred from working in these roles and they also have a duty to inform the DBS if an employee or volunteer is believed to have caused harm to vulnerable groups including a child.
- 2.3 Each type of DBS check results in the production of a DBS certificate, and the information shown on a certificate varies, depending on the type of check applied for. The minimum age at which a DBS check can be applied for is 16 years old. For example, if a young person is working in a regulated activity with children, such as teaching or coaching, they will need to undergo an appropriate check.
- 2.4 The DBS checks conducted as relevant to fire and rescue authority employees are as follows:
- **Standard check:** Standard certificates are available for specific roles outlined in legislation. They show unspent and spent convictions, under the [Rehabilitation of Offenders Act \(ROA\) 1974](#) along with any cautions reprimands and warnings held on the Police National Computer, subject to filtering rules.
  - **Enhanced check:** Enhanced certificates are available for those roles engaged in regulated activity within the meaning of the [Safeguarding Vulnerable Groups Act 2006](#). They contain the same information as the standard certificate, with the addition of relevant local police force non-conviction information.
  - **Enhanced check with barred lists:** This is the highest level of certificate used for anyone involved in work with children, and/or vulnerable adults in a regulated activity and certain other positions involving a high degree of trust as specified by the [Police Act 1997](#). This level discloses the same as the enhanced check but with additional children's and/or adults' barred list checks.
- 2.5 Brigade staff were previously eligible for basic DBS checks or higher level in certain roles involving regulated activity, however, an amendment to the Rehabilitation of Offenders Act 1974 (Exceptions)

came into effect on 6 July 2023 which means that fire and rescue service staff are now eligible to be vetted as a minimum at the standard DBS level or higher depending on their role.

### 3 Disclosure and barring checks – vetting levels

3.1 All Brigade staff will be required to be vetted to the requisite level proportional to the level of role that they carry out. The highest-level checks will be requested for those employees or volunteers who work in a regulated activity or after a risk assessment has indicated that this level is required. Checks must be both proportionate and relevant to the position concerned. Managers managing staff in a regulated activity will also be required to have the check at the enhanced level. The levels of vetting are as follows:

Staff Group	DBS check level
<ul style="list-style-type: none"> <li>All operational and control staff.</li> </ul>	Enhanced with children's and adults' barred list check.
<ul style="list-style-type: none"> <li>FRS and TMG staff whose roles involve working in regulated activity with children or vulnerable adults (e.g. LIFE trainers, juvenile firesetter intervention scheme (JFIS) advisers, and schools' officers.</li> <li>Managers of staff who work in regulated activity with children or vulnerable adults.</li> <li>FRS and TMG staff whose roles having been risk assessed require this level of check.</li> </ul>	Enhanced with children's and/or adults' barred list check.
<ul style="list-style-type: none"> <li>FRS and TMG staff not working in regulated activity with children or vulnerable adults.</li> </ul>	Standard check.

3.2 DBS checks will be undertaken at the following times:

- (a) During recruitment to Brigade posts (both external and internal).
- (b) During recruitment or onboarding for volunteers.
- (c) As part of three-year rolling checks for all Brigade staff.

### 4 Carrying out DBS checks

4.1 Vetting in the recruitment process (both external and internal) is facilitated by the HR Services team in People Services as part of the onboarding process for recruiting to a role. The three yearly checks are managed by the Vetting Team located in Operational Resilience. The Vetting Team comprises of a processing section responsible for administration of checks and a separate Vetting Panel who will be responsible for conducting impartial risk assessments of any positive disclosures returned which depending on outcome, may then be referred to the Professional Standards Unit (PSU) for further investigation (please see also paragraph 11.2).

4.2 The services of a Registered Body (an organisation registered with the DBS to submit standard, and all enhanced level check applications) will be used as an umbrella service to the Brigade for the application of all DBS vetting.

4.3 For new and existing staff and volunteers the standard and enhanced DBS checks will be administered by the Brigade via the Registered Body. Individuals will be signposted to the relevant

documents to be completed at the appropriate time and the verification process before submission. On receipt of a DBS certificate, the original documentation will need to be provided to the Brigade by the employee for scrutiny. It is not usually possible for individuals to source their own checks at these levels. The cost of checks will be borne by the Brigade. There may be no cost associated with the checks for volunteers.

- 4.4 [The DBS's code of practice](#) will be adhered to at all times by the Brigade in the handling of all DBS (disclosure) Information.

## 5 Regulated activity

- 5.1 Regulated activity is a term used by [the Safeguarding Vulnerable Groups Act 2006](#) to cover activities which involve work with children or vulnerable adults. In relation to children the term includes work activities such as personal care, directed or supervised health care, teaching, training, instructing, advising, guiding, and supervising.
- 5.2 In relation to vulnerable adults the term includes work activities which involve providing personal care, health care or social work to adults as well as giving assistance on general household and personal matters.

### Brigade posts involving regulated activity

- 5.3 Operational and control staff will in the course of their duties undertake work which constitutes regulated activity. Operational staff may need to provide first aid to members of the public including children or vulnerable adults, they may supervise or instruct as part of a rescue or carry out public awareness initiatives such home fire safety visits and fire safety presentations in schools. Control staff may need to provide health care instructions or directions to vulnerable adults, under the direction or supervision of a health care professional in emergency situations.
- 5.4 For other posts, Brigade job descriptions should clearly state the main duties including where relevant, the extent of contact or responsibility for children and young people or vulnerable adults. Consideration should be given as to whether regulated activities will be involved in the role and therefore necessitating the appropriate DBS enhanced check. During the course of employment, staff promotions, additional responsibilities or volunteering opportunities may also necessitate a check for employees at a higher level. In such instances assessment should be made on a case-by-case basis in relation to the post/work to be undertaken.

## 6 Spent and unspent convictions

- 6.1 [The Rehabilitation of Offenders Act \(ROA\) 1974](#) requires that where a conviction is deemed as spent and for the purpose of employment, it can be treated as if it never existed. However, there are some exceptions relating to employment in certain occupations and activities and these are listed in the Exceptions Order to the ROA.
- 6.2 The Brigade will ask prospective employees and volunteers to disclose current unspent criminal records information, prior to a job interview and as a condition of a job offer. The Brigade will also contractually require employees to disclose any criminal record obtained subsequent to their recruitment.
- 6.3 With the exception of the role of firefighter and control staff, where current unspent convictions will preclude an individual being employed by the Brigade, having a criminal record will not necessarily prevent an individual from working for the Brigade. This will depend on the nature of the position and the circumstances and background of the offence(s) and each case will be considered individually when assessing an individual's suitability for employment.

- 6.4 The Brigade, in assessing an applicant's suitability for positions of trust, will have due regard to its own policy statement on the recruitment of ex-offenders and will treat all applicants for positions fairly.

## **7 Recruitment**

- 7.1 DBS disclosure checks are part of the overall recruitment and selection process and will be undertaken immaterial of whether the position is temporary or permanent.

### **External recruitment**

- 7.2 All job adverts will contain a statement that a standard/enhanced DBS check will be requested in the event of the individual being offered the position and that the appropriate check from the DBS will be required before the individual can be offered a contract of employment.
- 7.3 Applicants will be asked to disclose convictions as part of their online application. A declaration is made at the point of application to confirm that the information provided on the application is accurate and correct.
- 7.4 Only successful candidates who have received a conditional job offer will be DBS checked in accordance with the table outlined in 3.1. Applicants will be advised of the process for completing disclosure forms as part of the recruitment and selection process.
- 7.5 Once someone has commenced their employment with the Brigade, they will then be subject to the appropriate DBS vetting process every three years (see also section 9).

### **Internal recruitment**

- 7.6 In general, a DBS disclosure is only valid and relevant to the post for which it is obtained, and staff promoted to a new role whether temporary or permanent may be required to have a DBS check consummate to the new post.
- 7.7 A disclosure undertaken and issued for one position may only be used for another position where the requirement is for the same level of information e.g. an enhanced level disclosure for an enhanced level disclosure or a standard level to a standard level. In considering the validity of a disclosure that has been issued for one position which is then under consideration for use in another post, the overriding factor must be the safety of those individuals the disclosure service is designed to protect. Should an employee already have an appropriate check in place, this can remain in place until the current check elapses in line with guidance at that time.
- 7.8 If, however, the level of disclosure required is higher to that of the previous level of check i.e. a standard to an enhanced, a further application for the appropriate level of DBS check will always be required.
- 7.9 DBS enhanced disclosures will not usually be considered as portable, however, for a small annual subscription, applicants can have their DBS certificate kept up-to-date using the [DBS update service](#) and take it with them from role to role within the same workforce where the same type and level of check is required. With their permission, the Brigade can use their DBS certificate to carry out an online check to verify whether any new information has come to light since its issue.
- 7.10 A member of staff refusing to submit to a DBS check in these circumstances may be posted to an alternate work reference commensurate with their substantive role/grade. The matter may need to be investigated further and/or be referred to the Professional Standards Unit (PSU) for consideration and this might result in disciplinary action being taken against the individual in accordance with the Brigade's disciplinary procedure. No member of staff shall unreasonably refuse, upon request to undertake a DBS check.

- 7.11 DBS disclosures undertaken by organisations other than the LFB and the Registered Body are not valid for Brigade employment. The Brigade will assume responsibility for appropriate DBS checks as part of onboarding for any agency appointments to Brigade contracts.

## 8 Volunteers

- 8.1 In pursuance of its objectives, the Brigade from time to time has voluntary roles available. A risk assessment should be undertaken to determine what DBS checks (if any) are required for volunteers who may be existing Brigade staff or members of the public. The assessment should consider the nature of the work including the extent of the work with children or vulnerable adults and if a regulated activity. Also, whether the role is eligible for a DBS check and if it is, what level is appropriate. Volunteering roles will often be managed through a recruitment process. HR Services will facilitate any checks needed for volunteers via the application raised with the Registered Body. Volunteers will be signposted to the relevant vetting processes accordingly and will not be able to commence work until the DBS checks are completed.

## 9 Three yearly renewal checks

- 9.1 All Brigade staff will be subject to three yearly rolling review DBS checks, with new recruits receiving the appropriate level of vetting as part of the recruitment process that then will move into the ongoing renewal process. Staff will be contacted by the Vetting Team at the appropriate time and be signposted to the relevant documents to be completed and process to be followed for the check relevant to their post. On receipt of a DBS certificate, the original documentation will need to be provided to the Vetting Team by the employee for review.
- 9.2 All Brigade staff must inform the Brigade of all arrests, cautions and convictions as set out in [Policy number 392](#) – Discipline (conduct) procedure and should not wait until the end of the three year period when the review check is undertaken.
- 9.3 No member of staff shall unreasonably refuse to submit to a three yearly review. In the event of an employee not complying with the vetting process or them providing misleading or inaccurate information, they will be referred to the Professional Standards Unit (PSU) for further investigation and this may result in disciplinary action being taken against the individual in accordance with the Brigade's disciplinary procedure.

## 10 Disclosure content

### New employees

- 10.1 Applicants for the role of firefighter and control staff are required to have no unspent convictions. A disclosure revealing that a firefighter or control staff applicant has an unspent conviction(s) will result in the applicant being immediately removed from the recruitment process and any conditional offer of employment being withdrawn.
- 10.2 For all other roles, the relevance of an applicant's disclosure in relation to the role they have applied for and whether information contained in the disclosure would be a basis for refusing them an offer of employment rests with a panel consisting of representatives from People Services and a representative from the department in which the post falls. The panel will consist of officers not less than group commander/FRS E level.
- 10.3 Where a disclosure reveals a criminal record, an applicant will usually be invited to a meeting with representatives from People Services to discuss the content of the disclosure before a panel decision

is made. However, the panel may decide that further information does not need to be obtained from the applicant and that the content of the disclosure is acceptable.

- 10.4 With the exception of firefighter and control staff roles, there will be no blanket refusal of a job applicant on the basis of a disclosure. Each case will be dealt with on an individual basis with due regard paid to the following factors:
- The seriousness of the offence and its relevance to the safety of members of the public and other employees, property, accounting or finances and/or the Brigade's integrity and reputation.
  - The length of time since the offence occurred.
  - Any relevant information offered by the applicant regarding the circumstances which led to the offence being committed, e.g. the influence of domestic or financial difficulties.
  - Whether the offence was a one off, or part of a history of offending.
  - Whether the applicant's circumstances have changed since the offence was committed thereby making re-offending less likely.
  - Whether the offence has subsequently been decriminalised by Parliament.
  - The country in which the offence was committed. Some activities are offences in Scotland and not in England and Wales, and vice versa.
  - The degree of remorse, or otherwise, expressed by the applicant and their motivation to change.
  - Whether the offence would create unacceptable risks for other employees, customer base, service users, property, accounting or finances and/or the Brigade's integrity and reputation.
- 10.5 The individual will be given the opportunity to make representations as appropriate. Any submission from the applicant will be considered on an individual case by case basis. If, following a panel meeting, it is determined that a disclosure is unacceptable, a provisional offer of employment will be withdrawn. The above may also apply to voluntary roles. This decision is final.

### **Brigade staff**

- 10.6 In the event of a disclosure certificate showing convictions, cautions, reprimands or warnings for an existing member of staff either during a recruitment process or within in the three yearly reviews, a positive disclosure risk assessment (NFCC vetting risk assessment) will be completed by the Vetting Team. The employees record will be identified by a unique reference code to ensure anonymity. This will remain with the form whilst it is reviewed by the Vetting Panel, who do not sit within the processing part of the Vetting Team. If the positive disclosure when rated against the vetting risk assessment is amber (medium risk) or red (high risk), the positive disclosure will be progressed to the Professional Standards Unit (PSU) for review.
- 10.7 Each case will be considered on its own merits including both the individual's role in the offence, and the nature of the conviction or caution. The member of staff will be able to make representations as appropriate.
- 10.8 An outcome could be that a provisional job offer is able to progress, or it may be rescinded. It could be that further investigation is required which may then result in disciplinary action being taken against the individual in accordance with the Brigade's disciplinary procedure.
- 10.9 Within the process there is no provision to appeal against a panel decision; however, staff will have recourse to the Brigade's grievance procedure if they feel that procedures have not been followed correctly.

## Negative disclosure

- 10.10 For both new employees and existing staff, a disclosure that reveals neither a spent or unspent conviction will usually be deemed acceptable.

## 11 Managing sensitive information

- 11.1 It is important that information obtained via a disclosure process is kept confidential. Applicants need to feel confident that their convictions are not being disclosed to anyone in the organisation unless there is a specific requirement for doing so. No reproductions of the disclosure or its content will be made without the prior agreement of the DBS and disclosure information will only be shared with relevant persons in the course of their specific duties relevant to the recruitment and vetting processes.
- 11.2 Disclosures containing convictions, cautions, reprimands and warnings will be considered and processed as detailed in section 10 above. In this instance, the access to the information under discussion will be confined to panel members (as at 10.2), the internal Vetting panel (as at 10.6), the lead and counter signatories in the administrative process and the individual. As described at paragraph 10.10 information may be passed to the PSU in the circumstances as outlined (i.e. amber or red risk ratings as outcome a positive disclosure risk assessment).
- 11.3 Disclosures and offence information will be kept securely and **not** be filed on the individuals' electronic personal record file (e-PRF). Access to this information is restricted to staff responsible for recruitment and vetting procedures.
- 11.4 If the decision is made to withdraw a provisional offer of appointment, the applicant will be informed of the decision. It may be that matters revealed in the disclosure will justify such a decision or it may be that the information contained in the separate letter from the police provides the basis for the withdrawal of the offer of employment. In any event and in accordance with the guidelines issued by the DBS, the lead/counter signatory will not reveal the existence of any separate letter or its contents without the written permission of the police.

## 12 Retention of information

- 12.1 Disclosure information should not be retained for any longer than is absolutely necessary. This will be for a period no longer than six months in order to allow for the consideration and resolution of any disputes or complaints.
- 12.2 When the retention period has elapsed, the disclosure information will be destroyed by secure means, i.e. confidential shredding. It should be noted that the photocopying or other imaging of the disclosure is not permitted. It is, however, feasible for HR Services or the Vetting Team to keep 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/or ISA registration number and the details of any recruitment decision taken.

## 13 When to refer someone to the DBS

- 13.1 Where any member of Brigade staff is found to be unsuitable to work with adults or children through breach of any of the Brigade's safeguarding policies or in the circumstances listed below, details of such will be referred to the DBS for information and/or decision on barring.
- 13.2 The DBS guidance states that employers must refer someone to the DBS if they:
- dismissed them because they harmed a child or adult;



- dismissed them or removed them from working in regulated activity because they might have harmed a child or adult otherwise; or
- were planning to dismiss them for either of these reasons, but the person resigned first.

This would be done using the online [DBS referral form](#) available on the Government website.

## 14 Records

- 14.1 Records, other than those detailed in 11.3, should be sent to records by email to [RecordsServices@london-fire.gov.uk](mailto:RecordsServices@london-fire.gov.uk) and will be kept on your electronic personal record file (e-PRF) and retained in accordance with [Policy number 788](#) - Electronic personal record files (e-PRF).

## 15 Help and support

- 15.1 Please contact the HR Helpdesk on extension 89100 option 3 and by email to [IT.HR@london-fire.gov.uk](mailto:IT.HR@london-fire.gov.uk) or contact the Vetting Team email to [dbsvetting@london-fire.gov.uk](mailto:dbsvetting@london-fire.gov.uk). Please contact a Professional Standards Adviser in the Professional Standards Unit (PSU) on extension 31880 and by email to [PSU@london-fire.gov.uk](mailto:PSU@london-fire.gov.uk) regarding any alleged breaches of conduct.

### Other contacts for support:

Counselling & Trauma Service (office hours) - 020 8555 1200 ext. 35555 (out of hours ext. 88440)

Firefighters Charity - 0800 389 8820

Mental Health First Aiders - [LFBMHFA@london-fire.gov.uk](mailto:LFBMHFA@london-fire.gov.uk)

- 15.2 This policy may also be available on request in other accessible alternative formats as set out in [Policy number 290](#) – Guidance note on translation and interpretation. Please contact Communications on extension 30753 and by email to [communications.team@london-fire.gov.uk](mailto:communications.team@london-fire.gov.uk).
- 15.3 The Brigade invites your engagement so that it can learn so if you have a suggestion that can improve this policy then please submit your idea via the [Staff Suggestion Scheme on Hotwire](#) as set out in [Policy number 887](#) – Staff suggestion scheme. Any changes do need to go through the agreed engagement, consultation, negotiation or governance requirements.

## Appendix 1 - Disclosure and Barring Service Checking Process

<b>Stages of the DBS checking process</b>
<p><b>Stage 1 - application form received and validated</b> The application form is checked by the DBS for errors or omissions. The form is either scanned onto the DBS system or returned for correction to the counter signatory within 24 hours of receipt.</p>
<p><b>Stage 2 - Police National Computer (PNC) searched</b> Key data from the application form is compared against details from the PNC to search for any matches.</p>
<p><b>Stage 3 - Children and adults' barred lists searched (where applicable)</b> Key data from the application form is compared against barred lists to search for any matches.</p>
<p><b>Stage 4 - Records held by the police searched</b> Enhanced checks are sent by secure, electronic means to the police for an additional check of records before the information is sent back to the DBS. Details may be same as, or similar to those held at any police force across the country. To make sure potential matches are not missed, those police forces will check the details against their information.</p>
<p><b>Stage 5 - DBS certificate printed</b> All the information to be disclosed is printed under highly secure procedures and posted to the applicant. The applicant will then need to show their DBS certificate to the employer who requested the criminal record check.</p>

## Document history

### Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	14/05/23	SDIA	L - 24/07/23	HSWIA	01/08/23	RA	
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### Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 8	As advised by Legal Services, two new paragraphs have been added, numbers 13.5 and 13.6 respectively, to bring this element in line with the LFB's Safeguarding Children Policy – Number 305	16/12/2010
Throughout	Department names have been updated throughout in accordance with Top Management Review.	20/10/2011
Throughout	To take account of the replacing of the Criminal Records Bureau with that of the Disclosure and Barring Service in carrying out criminal record checks.	28/05/2014
Page 16	'Subjects list' table – template updated.	06/01/2015
Throughout	References to the Authority removed in anticipation of new Governance rules for LFB. Changes to payment of basic record checks.	20/10/2017
Page 6, Para 8.2 Throughout	Additional paragraph added to reflect arrangements re basic level disclosure portability. Changes have been made to team and department names to reflect the abolition of the London Fire and Emergency Planning Authority, now replaced with the London Fire Commissioner.	02/10/2018
Throughout	This policy has been reviewed as current with major changes made. Please re-read to familiarise yourself with the policy.	04/02/2019
Page 4, para 5.4	Minor amendment made to wording regarding enhanced disclosure DBS fees.	26/02/2019
Page 5, para 7.3	'group manager' updated to 'group commander' due to role to rank changes.	30/09/2020
Throughout	Reviewed as current.	24/07/2023
Page 14	SDIA and HSWIA updated.	04/08/2023
Page 2, para 1 and 2 Page 9, para 15 and 16	Introduction and policy statement consolidated, and DBS title added. Records and Help and support details added.	15/11/2023
Throughout	Updated to include the new staff vetting programme.	13/02/2024

<b>Page/para nos.</b>	<b>Brief description of change</b>	<b>Date</b>
Page 11	EIA date added.	11/03/2024
Throughout	Minor amendments made.	29/04/2024
Page 6, para 9.2	Reference and link to PN392 - Discipline (conduct) procedure added.	13/05/2024
Throughout	Requirement to have no unspent convictions upon application applied to control staff.	10/06/2024
Page 9, para 14.1, 15.2 and 15.3	Records Services, access to alternative format and Staff Suggestion scheme details added.	

## Subject list

You can find this policy under the following subjects.

Child protection	Childcare
Children	Junior citizens
Juvenile Fire Intervention Scheme (JFI Scheme)	Schools
Young people	

## Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

<b>Considered by:</b> (responsible work team)	<b>FOIA exemption</b>	<b>Security marking classification</b>