

APPENDIX E

Disclosure and Barring Service Policy.

Background

On 4th February 2003 the Licensing Committee approved a policy for the implementation of enhanced Criminal Record Bureau (CRB) Disclosure checks for all new and existing Hackney Carriage and Private Hire drivers and for the disclosure certificate to be applied for every three years. This requirement is pursuant to Section 51 (Hackney Carriage Drivers) and Section 59 (Private Hire Drivers) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMP Act 1976).

The procedure for applying for a CRB/DBS disclosure until 17th June entailed the applicant completing the application form and producing relevant documents to confirm identification, this form being checked the Licensing Officer and then checked and signed by a 'Countersignatory', the form then being sent to the DBS and once the necessary checks have been completed, a copy of the Disclosure Certificate would be sent to both the applicant and the Licensing Team.

In December 2012 the Criminal Record Bureau became the Disclosure and Barring Service (DBS) and on 17th June 2013 the new disclosure service and requirements took effect and apply nationally. These changes have been brought about through amendments to the Police Act 1997 by the Protection of Freedoms Act 2012.

A summary of the changes are contained in **Annex A**.

Purpose.

The Council, as the Licensing Authority (the 'District Council') under the 1976 Act is responsible for licensing all Hackney Carriage and Private Hire Drivers pursuant to the above legislation operating within its area. In doing so the Council has a legal duty to ensure that all licensed drivers are 'Fit and Proper Persons' to apply for and continue to hold such a licence. This includes the power to refuse to grant a licence, suspend or revoke a licence where a driver is not deemed or no longer deemed to be 'Fit and Proper' where they have been convicted or cautioned for criminal and road traffic offences.

The purpose of this policy is to set out the new formal procedures for the Licensing Authority to operate the new Disclosure and Barring Service processes in relation to:

- a) Application procedures for new applicants for Hackney Carriage and Private Hire Driver licenses.

- b) Application procedures for current Hackney Carriage and Private Hire Driver license.
- c) Disclosure and Barring Update Service
- d) DBS Certificates and Disputes

1. Guidance

a) New Applicants

The following procedure will apply to all new applicants for a Hackney Carriage or Private Hire Driver licence.

1. A DBS application form must be completed in full and signed by applicant.
2. At the time of the production of the DBS application form to the Licensing Office the applicant must produce relevant approved forms of identification as detailed in the 'GOV.UK' Disclosure and Barring Service (DBS) check' document. See Annex B.
3. If the applicants' identity cannot be verified through possession and or production of the relevant forms of identity documents required the application will not be accepted.
4. If the application form and documents are in order, then the Licensing Officer will check the DBS application form and the produced relevant forms of identification fully. If everything is in order the application form will then be checked by a 'Countersignatory' who will then sign the application form and send it to the Disclosure and Barring Service in Liverpool.
5. The Licensing Office will carry out a weekly check through the 'DBS On-Line Tracking Service' to establish if the DBS certificate has been issued to the applicant.
6. Once the issue of the DBS Certificate to the applicant has been confirmed, the Licensing Office will contact the applicant by telephone and advise them formally in writing that the original DBS Certificate must be produced in person to the Licensing Office within the DBS recommended 28 days of the date of issue. (Copies of any form of the Certificate will not be accepted)
7. Failure by applicant to produce the original certificate within the recommended 28 day period will result in the applicant making a new DBS application.
8. If all other requirements of the full driver application procedure have not been completed within 4 months of the date of issue of the DBS Certificate, then a new DBS application will have to be submitted.

Note: On all occasions the applicant will be advised and encourage to subscribe to the DBS Update service.

b) Current Licence Holders

1. All current licence holders of Hackney Carriage and Private Hire Drivers Licenses must complete the DBS application form and

- procedure when next due i.e. at the approved 3 year period requirement.
2. When the renewal letter is sent out to the licence holder advising that a DBS check is also required, the licence holder will be provided with details of the voluntary DBS Update Service. A copy of the DBS Update Service - Introduction. See C) below.
 3. At the time of the production of the DBS application form to the Licensing Office the licence holder must produce relevant approved forms of identification as detailed in the 'GOV.UK' Disclosure and Barring Service (DBS) check' document. See Annex B.
 4. If the application form and documents are in order, then the Licensing Officer will check the DBS application form and the produced relevant forms of identification fully. If everything is in order the application form will be then checked by a 'Countersignatory' who will then sign the application form and send it to the Disclosure and Barring Service in Liverpool.
 5. The Licensing Office will carry out a weekly check through the 'DBS On-Line Tracking Service' to establish if the DBS certificate has been issued to the applicant.
 6. Once the issue of the DBS Certificate to the Licence holder has been confirmed, the Licensing Office will contact the licence holder by telephone and advise them formally in writing that the original DBS Certificate must be produced in person to the Licensing Office within the DBS recommended 28 days of the date of issue. (Copies of any form of the Certificate will not be accepted)
 7. If the original DBS Certificate is not produced as required in person within 28 days the licence holder will be **advised** formally in writing, that the Certificate **MUST** be produced within a further 28 days and that if the Certificate is still not produced within that period the Hackney Carriage or Private Hire Driver Licence will be suspended with immediate effect and until such time as the Certificate is produced.
 8. The driver licence (Badge) must be returned to the Licensing Office within 7 days of the written notification.
 9. Once the original DBS Certificate has been produced the drivers licence will be immediately re-instated and the licence holder notified by telephone and in writing that this is the case, and the licence (Badge) will be returned.

Note: The Licensing Committee has delegated powers to all Licence Officers to suspend or re-instated a drivers licence under the express authorisation of the Licensing Manager.

c) Disclosure and Barring Update Service

1. All new applicants for and current licence holders of Hackney Carriage and Private Hire Driver licenses can subscribe to the voluntary DBS Update Service at a cost to the DBS of £13.00p. See the DBS Update Service - Introduction at Annex C.
2. If subscribed and the subscription remains up to date the licence holder will not be required to complete another DBS application form unless the status changes.
3. If the applicant has subscribed with the 'Update Service', their subscription is up to date and written authorisation to do so has been

given, the Licensing Authority can access the On-line Update Service to carry out a 'Status Check'. This can be done at any time.

4. If the subscription lapses, the next time a DBS check is required, i.e. every 3 years, a new DBS application must be completed and the full procedure followed as detailed in **b)** above.

d) DBS Certificate and Disputes

This Registered Body / Licensing Team will work in accordance with the Guidance issued by the DBS regarding entitlement for a copy of the DBS Certificate and any subsequent disputes as detailed below.

1. The DBS will no longer automatically issue a copy of the applicant's DBS Certificate to the Registered Body who countersigned the DBS application form. Employers will need to ask the applicant for sight of their original DBS Certificate.
2. Registered Bodies will be entitled to ask the DBS for a copy of the applicant's DBS Certificate if all of the following conditions apply:
 - The individual is subscribed to the Update Service; and
 - The employer has carried out a Status Check which revealed a change to the DBS Certificate; and as a result
 - The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; and
 - The DBS issued the new DBS Certificate to the applicant more than 28 days ago; and
 - The applicant has not shown the employer their new DBS Certificate.
3. If the individual has disputed the new DBS Certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.
4. If the individual has disputed the new DBS Certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.
5. If the individual has disputed the new DBS Certificate, and the dispute is 'not upheld', the Registered Body must wait until 28 days after the dispute resolution date before requesting a reprint. This is to give the applicant time to show the DBS Certificate to the Registered Body /employer.
6. As the DBS will not inform the Registered Body of a dispute made by the applicant, it will be responsibility of the applicant / licence holder to notify the Licensing Team of any dispute within 28 days of the issue of the Certificate and to produce any supporting documentation from DBS confirming that a dispute has been lodged.
7. It will also be the responsibility of the applicant / licence holder to inform the Licensing Team of the outcome of the dispute and also to produce any supporting documentation from the DBS that the dispute has been finalised.
8. The applicant then has 28 days from the date of the dispute resolution to produce the original certificate to the Licensing Team, or 28 days from the issue of their new DBS certificate, dependant on the dispute outcome.

2. Disclosure and Barring Retention Policy - Handling of DBS Certificate Information

(Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information)

It is a requirement of the Disclosure and Barring Service Code of Practice that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. It also obliges Registered Bodies to ensure that a body or individual, on whose behalf they are countersigning applications, has a written policy. Therefore a new **Retention Policy** has been produced in accordance with the DBS Code of Practice, which is contained at **Annex D**.

ANNEX A

- 1) A new DBS Update Service - Applicant Guide
- 2) A new DBS Update Service - Employer Guide
- 3) Changes to completion of the application form
- 4) The introduction of 'Applicant Only Certificates' and that the Licensing Authority will no longer be provided with a copy of the DBS Certificate
- 5) The Licensing Authority will now have to ask for sight of the 'original' certificate with 28 days of the date of issue (subject to exemption)
- 6) The **original certificate** must be seen and checked by the Licensing Authority for:
 - a) Confirmation of the applicants name and address to ensure that they are still current
 - b) The correct Certificate Number (for performing the on-line tracking service checks)
 - c) The 'Relevant Workforce'. For licensed drivers this is categorised as 'Other Workforce'
 - d) The 'Occupation'. For licensed drivers this will be 'Taxi Driver' for both Hackney Carriage and Private Hire drivers as defined as a Regulated Activity
 - e) The correct level of check which must be an 'Enhanced with Adult and Child Barred List Check' in accordance with the Police Act 1997 (Criminal Records) Regulations and as amended by The Protection of Freedoms Act 2012
 - f) The portability of the DBS Certificate. Portability only applies where the applicant has registered with the 'on-line service' and registration is still current
 - g) The introduction of a voluntary 'Update service' for the applicants at an annual cost of £13
 - h) If the applicant has registered with the 'Update Service', their subscription is up to date and written authorisation to do so has been given, the Licensing Authority can access the On-line Update Service to carry out a 'Status Check'. This can be done at any time. (See page 8 of 'The Employers Guide')
 - i) If the on-line registration lapses or is cancelled a new DBS application will have to be completed every three years.
 - j) There is now a specific exemption under the amendments for 'Taxi Drivers' which legally entitles Licensing Authorities to know if the driver is listed on either the 'Child' or 'Adult' Barring Lists.

Note: In relation to (c) and (d) above these categories are both defined under the legislation as detailed in (e) above.

ANNEX B

Disclosure and Barring Service (DBS) checks (previously CRB checks)

Documents the applicant must provide

The person going through a DBS check - 'the applicant' - must give their employer original documents proving their identity. The documents needed depend on the route the application takes. The applicant must try to provide documents from route 1 first.

Route 1

The applicant must be able to show:

- 1 document from Table 1, below
- 2 other documents from either Table 1 or Table 2a or 2b, below

One of the documents must show the applicant's current address.

Route 2

If the applicant doesn't have any of the documents in Table 1, then they must be able to show:

- 1 document from Table 2a
- 2 other documents from either Table 2a or 2b

One of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

Route 3

Route 3 can only be used if it hasn't been possible to process the application through Routes 1 or 2.

For Route 3, the applicant must be able to show:

- a birth certificate issued after the time of birth (UK and Channel Islands)
- 1 document from Table 2a
- 3 further documents from Table 2a or 2b

One of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

Table 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart	UK/Isle of Man/Channel Islands (full or provisional)
Birth certificate - issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg Embassies, High Commissions and HM Forces

Table 2a: Trusted government documents

Document	Notes
Current driving licence – old-style paper version	UK
Current photo driving licence	Non-UK licences must be valid for up to 12 months from the date the applicant entered the UK
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
Adoption certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK and Channel Islands

Table 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	Must still be valid
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, eg 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

Document	Notes	Issue date and validity
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, eg 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 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

ANNEX C

DBS UPDATE SERVICE - INTRODUCTION

From 17 June 2013, you can subscribe to the new Update Service when you next apply for a DBS check, and you may never need to apply for another one again.

What is the DBS Update Service?

For a small annual subscription of just £13 (free for volunteers) you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type and level of check is required.

By subscribing to the new service you could save yourself a lot of time and money depending upon how many DBS checks you have needed in the past.

How do you access the Update Service?

From 17 June 2013 you will be able to join the Update Service online at www.gov.uk/dbs-update-service.

Subscribing online is quick and simple. Just enter your application form or DBS Certificate number, name, date of birth and address and pay the subscription fee securely from your account. When your subscription is confirmed you then start to see the benefits of this new service.

Benefits to you

- Saves you time and money.
- One DBS Certificate is all you may ever need.
- Take your DBS Certificate from role to role within the same workforce.
- You are in control of your DBS Certificate.
- Get ahead of the rest and apply for jobs DBS pre-checked.

Benefits to your employer

- Instant online checks of DBS Certificates.
- No more DBS application forms to fill in.
- You may never need to apply for another DBS check for an employee again.
- Less bureaucracy.
- Saves you time and money.
- Enhances your safeguarding processes and may help to reduce your risks.
- Easy to incorporate into your existing suitability decision-making processes.

What else you need to know

To coincide with the launch of the Update Service the DBS will no longer automatically issue a copy of your DBS Certificate to the Registered Body who countersign your DBS application form. Employers will need to ask you for sight of your DBS Certificate. This is to give you greater control over your information.

Further information

You can also find further information at www.gov.uk/dbs

ANNEX D

Handling of DBS certificate information

Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information

It is a requirement of the Disclosure and Barring Service code of practice that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. It also obliges registered bodies to ensure that a body or individual, on whose behalf they are countersigning applications, has a written policy.

Licensing Service Policy Statement

General principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Slough Borough Council complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Certificate information is only for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once an application requiring a DBS Certificate has been determined, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and

Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may 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 the certificate was requested, the unique reference number of the certificates and the details of the decision taken.