



Disclosure and Barring Service (DBS) Policy

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Author:	Human Resources
Applies to:	Staff / Volunteers / Contractors / Visitors

Pentreath Ltd is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

If you require this document in other formats or languages, please contact the author.

EQUALITY IMPACT ASSESSMENT			
Who does the policy affect?	Staff / Clients / Public		
		Yes	No
1. Will the proposal have any impact on discrimination, equality of opportunity or relations between groups?			X
2. Is the proposal controversial in any way (including media, academic, voluntary or sector specific interest) about the proposed work?			X
3. Will there be a positive benefit to the users or workforce as a result of the proposed work?	X		
4. Will the users or workforce be disadvantaged as a result of the proposed work?			X
5. Is there doubt about answers to any of the above questions (e.g. there is not enough information to draw a conclusion)?			X

If the answer to any of the above questions is Yes (other than question 3) or you are unsure of your answers to any of the above, you should provide further information using the Equality Impact Assessment form.

If an equality assessment is not required briefly explain why:

DOCUMENT CHANGE HISTORY		
Version	Date	Comments (viewed / reviewed / amended etc)
One	6/1/26	Moved to new policy template, combined previous separate DBS policy, Rehabilitation of Ex-Offenders policy and DBS referral process into one document under the name of DBS policy. Added up to date DBS referral flowchart as appendices.
Two	6/1/26	6.5 new section All staff are required to promptly inform the Company if they are, at any time during employment: 1. Charged with, convicted of, or cautioned for any criminal offence, or 2. Subject to any police investigation or formal regulatory body inquiry that may be relevant to their role or the Company's operations.

Ratification Body	Senior Leadership Team
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1. INTRODUCTION

Pentreath is committed to the provision of equality and diversity and fair treatment; subject to the overriding consideration of protecting children and vulnerable people.

This policy should be read alongside the Safer Employment Policy.

2. PURPOSE AND RATIONALE

Pentreath recognise the valuable contribution that people with convictions from all kinds of background can make to the organisation.

Pentreath is committed to treating all applicants equally and fairly based on their skills, experience, and ability to fulfil the duties required. This is regardless of any protected characteristics (ethnicity, gender or gender re-assignment, religion or belief, sexual orientation, physical/mental disability, age, pregnancy or maternity, marriage or civil partnership).

3. POLICY STATEMENT

An employer is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

This policy sets out Pentreath's intentions regarding DBS checks, Rehabilitation of Ex-Offenders, and the DBS Referral procedure.

Pentreath will not refuse suitable candidates employment, or volunteering, because of offences or conduct which are no longer relevant, and do not place them at, or make them a risk in the role for which they are applying.

Pentreath will ensure that all Safer Employment practices reflect this commitment, however, candidate failure to provide accurate and truthful information is considered a serious matter. If it becomes apparent that inaccurate or incomplete information has been provided, Pentreath will need to establish why. Any finding of serious misdirection or intent to deceive will result in an application being disqualified or, if appointed, disciplinary action being taken and/or dismissal.

4. DEFINITIONS

4.1 The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions.

4.2 DBS Regulated Activity is a legal phrase used to describe specific circumstances where individuals are working or volunteering with children or vulnerable adults because of help or treatment they are receiving. Regulated activity is work that a barred person must not do.

4.2 The Rehabilitation of Offenders Act 1974 (ROA) governs the disclosure of criminal records and promotes the rehabilitation of ex-offenders into employment.

5. DUTIES AND RESPONSIBILITIES

5.1 Senior Leadership Team and Human Resources are responsible for

- complying with this policy
- ensuring that robust processes and procedures are in place to enable the efficient and equitable application of this policy.
- considering the DBS information that is required, to balance the risk between preventing unsuitable people from working in sensitive posts with the need to ensure that this does not discriminate against ex-offenders who have been rehabilitated.

5.2 Line Managers are responsible for

- identifying the appropriate level of DBS Disclosure required for individual posts.

5.3 Staff are responsible for

- undertaking three yearly DBS checks, or as and when required due to change of role which requires a different level of check, and providing the ID documents required in a timely manner
- Notifying of Criminal Convictions or Investigations during employment / voluntary placement (6.5)

5.4 All staff and external candidates are responsible for complying with the policy.

6. POLICY DETAILS

6.1 DBS CODE OF PRACTICE

Pentreath comply fully with the Disclosure and Barring Service (DBS) [code of practice](#) and undertake to treat all applicants fairly. All information disclosed will be treated in the strictest confidence; suitable applicants will not be refused posts because of offences/conduct which are no longer relevant, and do not place them at, or make them a risk in – the role for which they are applying.

In line with the Code of Practice requirements, Pentreath notify all potential applicants of the potential effect of a criminal record history or previous conduct on the recruitment and selection process and any recruitment decision and ensure that Pentreath discuss any matter revealed through a disclosure, references or other pre-employment checks with the individual – before withdrawing an offer of employment.

6.2 DBS CHECKS FOR SAFER EMPLOYMENT

6.2.1 Advertising

Pentreath will include a statement in any job advert or job description making it clear whether the role in question involves engaging in regulated activity (i.e. with children, adults, or both).

6.2.2 Types of DBS checks Pentreath use

Basic check

A basic certificate contains details of convictions and cautions from the Police National Computer that are unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.

Pentreath use this level of check for staff who do not engage in regulated activity.

Enhanced check

The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations.

An enhanced level certificate contains the same Police National Computer information as the standard level certificate but also includes a check of information held by police forces.

Pentreath use this level of check for staff who engage in regulated activity with vulnerable adults (18+)

Enhanced check with children barred list.

The enhanced level with barred list check(s) is only available for those individuals who are conducting regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations.

An enhanced level certificate with barred list check(s) contains the same Police National Computer information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists, please see <https://www.gov.uk/browse/employing-people/recruiting-hiring>.

Pentreath use this level of check for staff who engage in regulated activity with children (under 18).

6.2.3 DBS and recruitment

It is a criminal offence for an individual to apply for a post that is subject to an enhanced DBS with barred list check (i.e. adults, children or both) if the individual has been barred from engaging in regulated activity with the relevant group (i.e. adults, children or both).

If an individual is not barred from engaging in regulated activity with (i.e. adults, children or both), but have been referred to the DBS for consideration to be added to one of the barred lists, they must declare this information when requested during the recruitment process.

Pentreath consider applicants, primarily on the grounds of their skills, qualifications, experience, and ability to do the job. Pentreath ask applicants who have been selected for interview to complete a criminal record self-declaration form to give them the opportunity to provide sufficient information. At interview, or in a separate confidential discussion, Pentreath will ensure that an open and measured discussion takes place about any offences that might be relevant to the position.

Pentreath will make it clear if a basic level check, an enhanced level check or an enhanced level check with children barred list with would be requested from the DBS upon a conditional job offer.

All cases will be risk assessed on an individual basis and will take the following into consideration:

- Whether the conduct and/offence(s) are relevant to the position applied for
- The length of time since the conduct and/offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour
- The circumstances surrounding the conduct and/offence(s) and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour

Applicants who are deemed unsuitable to undertake their position in the light of the contents of a Disclosure will receive a written explanation as to Pentreath's decision.

If the DBS certificate does not return prior to employment or volunteering commencing, staff can commence employment or volunteering for a limited period with restricted responsibilities.

Disclosure information will only be seen by those who need to see it as part of the recruitment process, and this information will be treated confidentially, sensitively and in accordance with Pentreath's Confidentiality and Data Security Policies and the Data Protection Act 2018.

Further information on regulated activity and DBS barring can be obtained from [DBS](#).

If applicants have any questions about Pentreath's recruitment process, they should contact Human Resources jobs@pentreath.co.uk 01726 862727. All queries will be treated in strict confidence.

6. 3 CHALLENGES TO INFORMATION ON A DBS CERTIFICATE

If the applicant thinks that any information included on an enhanced DBS certificate should not be, they can ask the Independent Monitor (who oversee DBS disputes) to review it, and the Independent Monitor can ask the DBS to issue a new certificate, either without that information or with amendments to it. Pentreath encourage applicants to inform Human Resources when they request such a review and to update us about what happens with their certificate.

6. 4 RENEWALS

There is no recommendation from the DBS with regards to how often a DBS check should be renewed. It is Pentreath's policy to recheck all those individuals requiring a DBS check every 3 years, or where there is internal job movement which requires a different level of check.

6.5 NOTIFICATION OF CRIMINAL CONVICTIONS OR INVESTIGATIONS DURING EMPLOYMENT

All staff are required to promptly inform the Company if they are, at any time during employment / voluntary placement:

1. Charged with, convicted of, or cautioned for any criminal offence, or
2. Subject to any police investigation or formal regulatory body inquiry that may be relevant to their role or the Company's operations.

Notification must be made in writing to the HR Manager within 5 working days of the event.

Failure to disclose such information may be treated as misconduct and could result in disciplinary action, up to and including dismissal.

The Company will treat all disclosures sensitively and in accordance with applicable data protection and employment laws.

6.6 STORAGE AND ACCESS

Disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to the Chief Executive, Deputy Chief Executives and Human Resources.

6.7 HANDLING

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

6.8 USAGE

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

6.9 DBS CHECK RETENTION

Once a recruitment (or other relevant) decision has been made, disclosure information will be kept in the personnel file. This is 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 disclosure information for longer than six months, Pentreath will consult the DBS about this and will consider 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.

6.10 DBS RISK ASSESSMENT RETENTION

If Pentreath have carried out a risk assessment for a candidate, but not proceeded with recruitment, Pentreath keep the risk assessment for the period of time the individual has to raise a dispute, appeal the decision, or lodge an employment tribunal claim if they feel the decision was discriminatory.

If Pentreath have proceeded with recruitment, th risk assessment will be kept for as long as necessary. A risk assessment is a live document and should be kept under review until:

- Any identified safeguards are no longer necessary or
- The information taken into account is no longer valid (e.g. because a conviction [has become spent](#), [or filtered](#) from the DBS certificate)

6.11 DISPOSAL

Once the retention period has elapsed, Pentreath will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping, or burning. While awaiting destruction, Disclosure information will be kept confidential and secure. Pentreath will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, Pentreath may 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 the details of the recruitment decision taken.

6.12 DBS REFERRALS

A referral is information about a person. It tells DBS of concerns that an individual may have harmed a child or vulnerable adult or put a child or vulnerable adult at risk of harm.

The referral duty doesn't apply to family or personal arrangements, parents or members of the public. If a parent or member of the public has a safeguarding concern, they should contact the police, social services or the person's employer.

These agencies can then investigate the allegation and if appropriate make a referral to the DBS.

When an allegation is made about a member of staff, Pentreath will investigate (even if the person has left employment) to gather enough evidence to establish if it has foundation and inform processes for any decision to dismiss or remove the person from working in regulated activity. This is particularly important as DBS rely on referral evidence and any other relevant evidence gathered.

See Disciplinary Policy and Person In Position of Trust guidance within the Safeguarding Adults Policy.

Pentreath may suspend a person pending an investigation where there have been allegations of harm or risk of harm. The duty to make a referral may not be triggered by temporary suspension, it depends if Pentreath have enough information to meet the referral duty criteria.

Referral power is triggered when Pentreath thinks a person has either:

- harmed or poses a risk of harm to a child or vulnerable adult.
- has satisfied the harm test.
- received a caution or conviction for a relevant offence, and
- the person they are referring is, has, or might in future be working in regulated activity, and
- the DBS may consider it appropriate for the person to be added to a barred list.

Following investigation, if Pentreath decide to let the person return to a position working in regulated activity with children or vulnerable adults then there may not be a legal duty to make a referral.

If Pentreath decide to dismiss the person or remove them from working in regulated activity, then Pentreath will need to make a referral. Pentreath will make a referral even if a significant period has passed between the allegation and the gathering of evidence to support a decision to make a referral.

Pentreath have a **legal duty to refer when the following two conditions are met:**

Condition one

Pentreath withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults, or Pentreath move the person to another area of work that does not satisfy regulated activity; this includes situations when Pentreath would have taken action, but the person was re-deployed, resigned, retired, or left. For example, a teacher might resign after an initial allegation of harm to a student.

Condition two

Pentreath think the person has conducted one of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm, or
- satisfied the harm test in relation to children and / or vulnerable adults e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists, or
- have received caution or a conviction of a relevant (automatic barring either with or without the right to make representations) offence.

Duty to refer applies even when a report has been made to another body such as a local authority safeguarding team. The duty to refer applies irrespective of whether another body has made a referral to the DBS in relation to the same person. This helps to make sure the DBS have all the relevant information to consider a case. DBS can then make a fair, consistent and thorough decision about whether to bar a person from working with vulnerable groups.

See APPENDIX A - DBS Referral Flowchart.

When a person has been referred, DBS consider if they need to be added to a barred list(s). As part of the process to decide if an individual should be placed on a barred list, any information in the referral may be used by DBS and could be disclosed to the referred person or other parties.

Where Pentreath can prove a legitimate interest in the person that has been referred, the organisation will be informed of the outcome. If Pentreath no longer employ the referred person or let them engage in regulated activity, it may not show a legitimate interest and Pentreath will not be advised of the outcome.

Full guidance about the DBS referral process and the electronic link to refer, can be found here:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

7. MONITORING COMPLIANCE AND EFFECTIVENESS

7.1 Human Resources to ensure that this policy is continually monitored and reviewed on a regular basis subject to changes made by the Disclosure and Barring Service.

8. TRAINING AND COMPETENCY REQUIREMENTS

8.1 HR Manager to keep up to date with Employment Law

9. ASSOCIATED DOCUMENTS

Safer Employment Policy
Disciplinary Policy
Safeguarding Adults Policy

10. APPENDICES

10.1 For the avoidance of any doubt the appendices in this policy are to constitute part of the body of this policy and shall be treated as such.

APPENDIX A - DBS REFERRAL FLOWCHART



Barring referral flow chart

We have put together the following flow chart to help you decide if it is appropriate to refer someone to us.

