

## **Prison Fellowship Vetting Policy and Procedure**

### **1. Introduction**

- 1.1 This vetting policy will apply when recruiting all Prison Fellowship employees, volunteers, temporary staff and any other role not covered by the term employee or volunteer. It is designed to assist in ensuring that all persons working with children, young people and vulnerable adults on behalf of Prison Fellowship are trustworthy and reliable and are not subject to any offences which present a risk to children, young people and vulnerable adults.
- 1.2 This policy is also designed to support Prison Fellowship's wider recruitment and safeguarding policy and procedure and will form a part of PF's Safeguarding and general recruitment procedures.

### **2. Summary Statement**

- 2.1 Where it is considered appropriate or necessary by the prison authorities, an employee or volunteer must co-operate with such levels of security vetting as those authorities require. This process is dealt by the individual in concert with the local prison establishment.
- 2.2 While a 'prison', 'young offenders' institution' and Secure Training Centre are 'specified places' in law, and any young person or adult held in any of these facilities is a vulnerable person in accordance with the 2006 Safeguarding Vulnerable Groups Act as amended by the 2012 Protection of Freedoms Act, the prison authorities will not always require a Disclosure and Barring Service disclosure certificate to be obtained in all cases. However, where it is required, the arrangements set out in this document will be followed.
- 2.3 PF recognises the wider sensitivities of its work and the need to ensure that its staff, volunteers and others working on its behalf are fit and proper people who will uphold its identity, mission, standards and reputation. For this reason, prospective volunteers and staff are likely to be required to make a declaration regarding any previous convictions and provide references as to character, conduct and faith.

### **3. Context**

- 3.1 Much of the work carried out by Prison Fellowship staff and volunteers is undertaken in prisons. Individuals working in this context will be appropriately vetted by HMPPS, not Prison Fellowship.

### **4. Vetting Policy**

- 4.1 Part V of the Police Act 1997 makes criminal record checks available for positions that are identified as exempt under the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (as amended). Refer to PF's Rehabilitation of Offenders Policy for detailed information.
- 4.2 In order to ensure that we safely recruit those who will work with vulnerable groups, Prison Fellowship will ensure that all its employees and volunteers working with prisoners and their families are appropriately vetted. All applicants for all levels of clearance in prisons will be expected to disclose all cautions and convictions, including those which are spent and minor.
- 4.3 **A self-declaration of unspent criminal convictions, cautions, reprimands and warnings will be requested from all applicants on Prison Fellowship's application form.** This will be in the form of the question "Do you have any criminal convictions, cautions, reprimands, bind-overs in the past or any cases pending? Please give details". In the case of posts that are exempt from the ROA, this will also include convictions that are otherwise spent and applicants are not entitled to withhold information about such convictions.

4.4 In cases where a DBS check is required by Prison Fellowship (and not processed by HMPPS), a previous DBS disclosure certificate from another employer cannot be used to expedite a start date if it was issued more than 12 months prior to PF's offer of employment. However, should the applicant be registered with the DBS' Online Update Service, PF may obtain their consent to conduct a status check on the applicant when necessary (see paragraph 6 below).

## 5. Disclosure & Barring Service (DBS) Enhanced criminal record checks

5.1 PF may utilise the DBS vetting route as it finds appropriate. The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children, young people and vulnerable adults (refer to the Safeguarding Policy for a full definition of the types of vulnerable groups covered).

5.2 Where a PF vacancy meets the criteria for a DBS check, the advert will clearly state that any offer of employment will be subject to a DBS check being carried out. The DBS offers two types of criminal record checks known as Enhanced checks for those intending to work with children, young people and vulnerable adults. They contain details of an individual's convictions, cautions, reprimands or warnings recorded on police central records including both 'spent' and 'unspent' convictions and are shown on a criminal records disclosure certificate.

5.3 PF will determine whether a DBS enhanced check is required for the post upon consultation with the DSP and Project Administrator. The DBS Eligibility Flowchart in **Appendix 2** provides a useful guide for that purpose. The two types of enhanced checks can be further distinguished as follows:

5.3.1 **A non-Barred List Enhanced DBS check** - this involves a check of the national police database together with any other information held by a local police force that it 'reasonably considers' to be relevant to the post applied for. Prison Fellowship may require anyone working with children in non-regulated activity to apply for this check; for example this may be a non-prison role that is **fully supervised** or the role of **Trustee** on PF's Board of Trustees.

5.3.2 **A DBS Enhanced barred list check** - includes all checks mentioned in para 2.4 in addition to a check of the DBS's **Children's Barred List and/or Vulnerable Adults Barred List**. This check can only be requested for individuals engaged in 'regulated activity' with children or vulnerable adults as defined under the Protection of Freedoms Act (2012). This will include any role involved in **supervising** or **managing** those working with vulnerable groups.

6. **DBS Online Update Service and Status Checks** - Note that if the applicant has subscribed to the **DBS' Update Service** then Prison Fellowship can opt to perform an **online status check** with the applicant's consent. In this instance it won't be necessary for the applicant to apply for a fresh enhanced disclosure certificate except where:

- 6.1. the online status check reveals that there is 'new disclosure information' on the applicant's record; or
- 6.2. if the applicant's new role with Prison Fellowship is with a different work force from the one registered with the DBS Update Service. Note that there are two workforces – **Child Workforce or Vulnerable Adults Workforce** and both determine which barred list will be checked as part of the DBS application process.

## 7. Completing and processing DBS Applications

- 7.1 Once a post has been identified as requiring a DBS check, the responsible line manager will determine whether a prospective or existing employee requires a DBS check. If unsure about the eligibility of a role for a DBS check PF will contact its DBS Umbrella Body who will offer guidance.
- 7.2 The applicant will be provided with login information and directed to complete their application online with PF's DBS Registered Body who will process the application forms and will notify PF of the results.
- 7.3 **Completion of application forms** - once an electronic application form has been completed by the applicant and the applicant's identity verified by PF, the form will be approved and sent to the Registered Body for countersigning.
- 7.4 Note that an application may be returned by the Registered Body if there is an error and either the verifier or applicant will be contacted regarding this.
- 7.5 The procedure followed must ensure confidentiality and compliance with the Data Protection Act 1998 and personal data must be stored for a maximum period of six months after which it must be destroyed.

## **8. Use, Storage & Disposal of disclosure information**

- 8.1 Where PF requires a DBS disclosure check from an employee or volunteer, the individual will be requested to contact Prison Fellowship's HR department to present the original certificate for inspection. The applicant's permission must be obtained to copy the certificate and they will be asked to sign the copy to confirm their consent.
- 8.2 If a disclosure certificate does not contain any criminal record, the applicant's details will be recorded by HR and stored in a secure place. The recruiting manager will be informed by HR that the applicant has been cleared to work in the role (subject to receipt of all other pre-employment checks including references).
- 8.3 The copy of the DBS certificate will be stored by month, held securely in a lockable, non-portable storage cabinet with access strictly controlled and limited to persons who need to have access to this information in the course of their duties.
- 8.4 Once an appointment decision has been made, a copy of the DBS Certificate may be kept for no longer than six months to allow for the consideration and resolution of any disputes or complaints. After this time, the certificate will be removed and destroyed confidentially.
- 8.5 A record of the following will be kept by Prison Fellowship:
  - The issue date of the DBS certificate
  - The level of check requested, including any checks against one or both of the barred lists
  - The unique reference number of the certificate
  - The DBS check outcome, e.g. post to be offered, offer withdrawn etc.
  - The outcome of any risk assessment undertaken

## **9. Handling criminal record disclosures**

- 9.1 The DBS certificate will reveal if the individual has a criminal record, including details of convictions, cautions, reprimands or final warnings. The DBS certificate will only provide the basic facts such as the name and date of offence(s) and, if applicable, details of any sentence(s). It will not put them into context, therefore the HR team will request further details of a conviction, reprimand or warning from the applicant and an explanation of what led up to the conviction and applicant's current state of affairs.

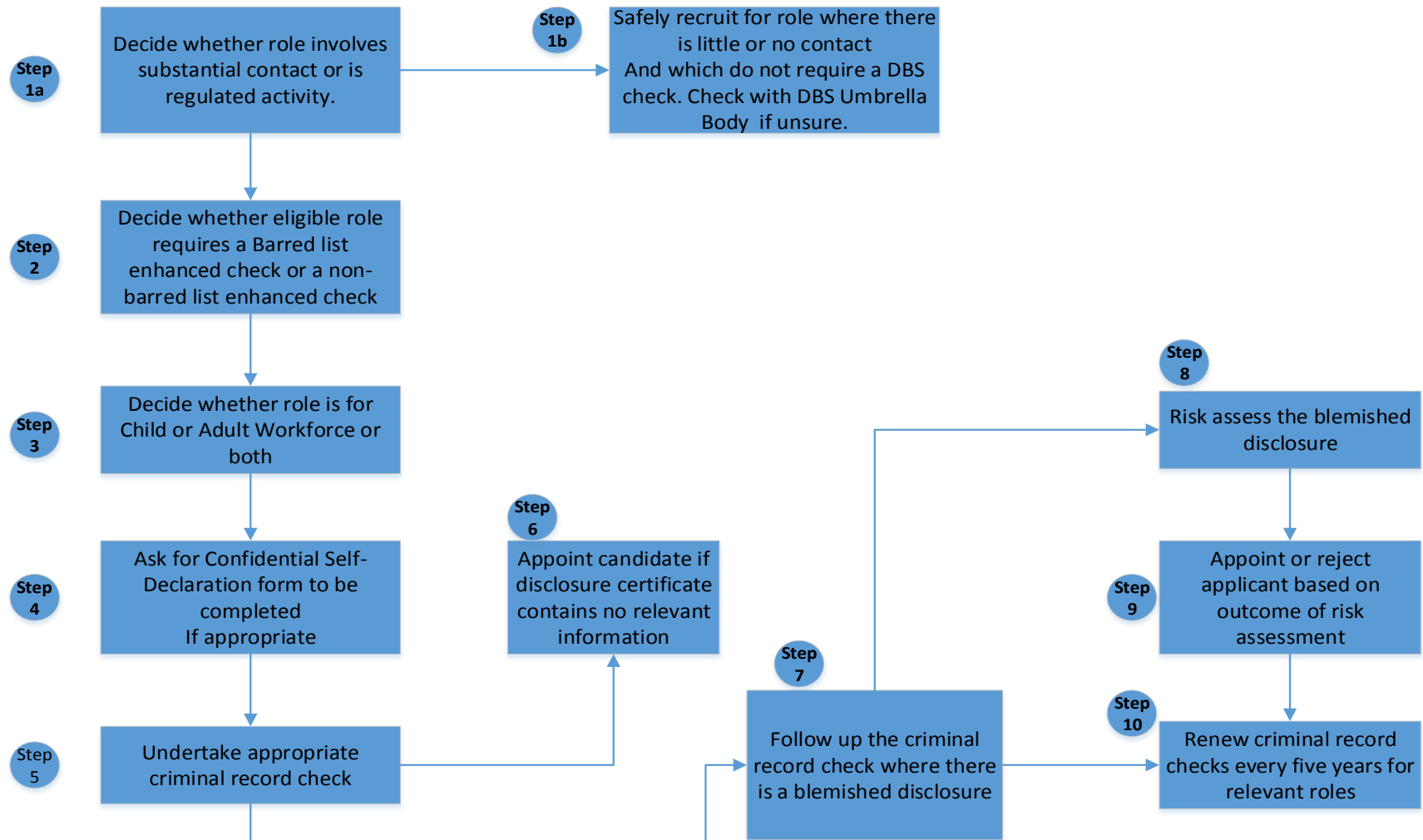
- 9.2 Information obtained through DBS checks can help PF make an informed decision on whether or not to appoint a prospective employee or volunteer. The decision rests with Prison Fellowship as to whether to employ a person whose DBS check reveals a conviction or other relevant information. The information provided should be carefully considered in the light of all the relevant circumstances and judged on a case-by-case basis.
- 9.3 If a disclosure indicates a conviction, caution or other record, the disclosure will be recorded and stored as above. HR will check to ascertain whether the issues reported had been declared on either the application form or at the interview.
- 9.4 Prison Fellowship may contact a safeguarding specialist for advice on risk assessing the disclosed information and the suitability of the applicant for the role.
- 9.5 If the conviction(s) on the disclosure certificate have not been previously declared, HR will contact the candidate to ascertain why they failed to disclose this information, as this will normally result in the offer of employment being withdrawn. HR will discuss the candidates' explanation for failing to make the declaration when they had applied for the role. In exceptional circumstances, and following a risk assessment by the DSP, a decision may be taken to accept the candidates' explanation for failure to disclose.
- 9.6 Where an individual identifies on the application form any convictions relating to fraud or any other dishonest acts, the application must be brought to the attention of the DSP for consideration and a decision regarding the applicant's suitability for appointment.
- 9.7 Should there be other convictions, cautions or warnings, assault/battery or a sexual offence recorded, these should immediately be referred to the DSP for consideration.

## **Appendix 1 – Regulated and Non-regulated activity with Children and Young people**

1. **What is Regulated Activity with Children** - according to the Protection of Freedoms Act 2012 the new definition of regulated activity relating to children includes any activity that involves:
  - (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, personal care, or drive a vehicle conveying children for work purposes;
  - (ii) Any work that takes place in a limited range of establishments known 'specified places', with opportunity for contact: for example, schools, children's homes, childcare premises.
  - (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional
  - (iv) Any activity involving children that takes place once a week and overnight or 4 times in a month
  - (v) Anyone providing day to day management or supervision of anyone involved in regulated or non-regulated activity with children or young people
  
2. **Regulated Activity with adults** - the new definition of regulated activity relating to adults under the Protection of Freedoms Act 2012, no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, would lead to that adult being considered vulnerable at that particular point in time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the individual receiving the service. Note that there is no longer a requirement for an employee to carry out an activity a certain number of times before they can be considered to be in regulated activity with adults.
  
3. There are six categories of roles which will fall within **the new definition of regulated activity with vulnerable adults** (and so will anyone who provides day to day management or supervision of those people). A broad outline of these categories is set out below and includes any role that provides:
  - (i) **Health care** – Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.
  - (ii) **Personal care including:**
    - Physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;
    - Guiding or supervising an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision; or

- Training, instructing or offering advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.
- (iii) **Social work** – The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.
- (iv) **Assistance with cash, bills and/or shopping** – The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person’s cash, paying their bills or shopping on their behalf.
- (v) **Assistance in the conduct of a person’s own affairs** – Anyone who provides various forms of assistance in the conduct of an adult’s own affairs, for example by virtue of an enduring power of attorney. Please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, for the further categories which are covered here.
- (vi) **Conveying** – A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers.
- 4. CAVEAT** - It is anticipated that Prison Fellowship staff and volunteers will not provide any of the above listed activities to adults, however, there may be occasions when a staff member or volunteer finds themselves working with or alongside an adult who is vulnerable due to a physical, mental or learning disability or who is a substance misuser or is homeless or a refugee or asylum seeker. Under such circumstances Prison Fellowship must first determine whether or not the role in question is eligible for a DBS enhanced check. This will depend on the type of work and level of contact involved and whether the role satisfies the DBS criteria for work with vulnerable adults.

## Appendix 2 – DBS Checking Process



### Appendix 3 – HMPPS Vetting Framework (for illustrative purposes only)

There are a number of different levels of clearance. The level of clearance will always be determined by the vetting providers and sponsored by PF. This document is only for guidance / illustration in relation to those requiring clearance for prison.

Level	Who is this intended for	Notes	Examples of usage by HMPPS for PF Staff	Examples of usage by HMPPS for PF Volunteers
Standard Plus	People with previous convictions volunteering or working in prisons, who have not been successful at another level because of their previous offending history	<ul style="list-style-type: none"> <li>Limited to a specific prison</li> <li>Must be reviewed annually</li> <li>Applicants must have applied for, and been refused, enhanced clearance before they can apply for this level but applications can run concurrently</li> <li>Applicants must have the skills/experience to help serving prisoners through one of the Reducing Re-offending pathways.</li> </ul>		Sycamore Tree group facilitators only who want to volunteer in prison.
Enhanced level 2	<ul style="list-style-type: none"> <li>All staff directly employed by HMPPS</li> <li>All applicants working in high security prisons</li> <li>All applicants for the role of chaplain</li> <li>Some chaplaincy applicants in other prisons</li> </ul>	Those vetted to enhanced level 1 will not be permitted entry to a high security establishment that requires enhanced level 2 or where a risk assessment identifies this is required.	<ul style="list-style-type: none"> <li>Any staff who are required to visit prisons for more than three times per year</li> <li>CEO</li> <li>Operations Manager</li> <li>Prison Co-ordinator</li> <li>Internal Verifier</li> <li>Head of Operations</li> </ul>	<ul style="list-style-type: none"> <li>Chaplaincy support volunteers</li> <li>ST tutors</li> </ul>
Enhanced level 1	All non-directly employed personnel (except those working in high-security prisons), unless working in certain sensitive roles includes Private Prisons and Escort Services	Includes all those working in the private sector and those not employed directly by HMPPS and are working in non-High Security estate. It is needed where an individual will have direct contact with prisoners. Typically this must be reviewed every five years		All PF members who want to visit prisons for a minimum of three visits in a 12 month period



<b>Counter Terrorist Check (CTC)</b>	<ul style="list-style-type: none"> <li>• All staff and applicants working in high-security prisons</li> <li>• All chaplains in any prison</li> <li>• Some applicants not working in high-security prisons, depending on their role</li> <li>• Some chaplaincy volunteer applicants in other prisons</li> </ul>	<p>This is national security clearance; the check is not carried out by HMPPS</p> <p>Required in some cases in non-High-security prisons, depending on the risk assessment for the role</p>	<p>Staff who are required by PF to visit High Security prisons on regular occasions.</p> <ul style="list-style-type: none"> <li>• CEO</li> <li>• Operations Manager</li> <li>• Prison Co-ordinator</li> <li>• Internal Verifier</li> <li>• Head of Operations</li> </ul>	
<b>DBS</b>	<ul style="list-style-type: none"> <li>• PF Volunteers</li> <li>• Working outside of the prison.</li> <li>• LL volunteers</li> </ul>	<p>It is recommended that PF use the Direct Gov eligibility tool to determine type of DBS</p> <p><a href="https://www.gov.uk/government/collections/dbs-eligibility-guidance">https://www.gov.uk/government/collections/dbs-eligibility-guidance</a></p> <p>It maybe the applicant may be asked to provide a current DBS.</p>		<ul style="list-style-type: none"> <li>• LL volunteers who correspond with children</li> <li>• ATCs</li> </ul>

Issued by Peter Holloway, CEO

V2.2 – October 2018