Andover Town Council

DBS Policy

1. Document control

Item	Detail
Document	Disclosure and Barring Service (DBS) Policy
Version	1.3 (26) DRAFT for Policy and Resources Committee
Policy owner	Town Clerk (Designated Safeguarding Lead)
Recommended by	Policy and Resources Committee, 2 December 2026 minute to be added
Approved by	Full Council, date and minute to be added
Review	Every three years, or sooner if legislation, DBS guidance or Council requirements change, and when the duty to report child sexual abuse under the Crime and Policing Act 2026 commences

2. Purpose and scope

2.1 Andover Town Council ("the Council") is committed to safeguarding and promoting the welfare of children and adults at risk. This policy sets out when the Council will request a DBS check, at what level, and how it handles the information.

2.2 It applies to employees, councillors, volunteers, and contractors and agency workers engaged by the Council where appropriate.

2.3 The Council requests a DBS check only where it is legally entitled to do so for the role, and does not request checks as a matter of routine.

3. Legal framework

Source	Relevance
Police Act 1997, Part V	DBS certificates and their levels
Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975	Which roles may be asked about spent convictions; filtering of old and minor records
Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012 and the Crime and Policing Act 2026	Regulated activity, barred lists, the offence of allowing a barred person into regulated activity, and the duty to refer to the DBS
Crime and Policing Act 2026	Removed the supervision exemption from regulated activity with children from 1 September 2026
DBS Code of Practice	Rules for organisations that request checks
UK GDPR and Data Protection Act 2018	Criminal offence data, handled under the Council's Appropriate Policy Document

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4. Levels of check

Level	What it shows	When the Council may use it
Basic	Unspent convictions and conditional cautions	Any role, with the person's consent, where proportionate (for example, handling cash or keys)
Standard	Spent and unspent convictions and cautions, subject to filtering	Roles listed in the Exceptions Order
Enhanced	As standard, plus relevant police information	Roles working with children or adults at risk that are eligible but not in regulated activity
Enhanced with barred list check	As enhanced, plus a check of the children's or adults' barred list, or both	Roles in regulated activity

5. When a check is required

5.1 **Regulated activity with children.** A person is in regulated activity if they teach, train, instruct, care for or supervise children, or give them advice or guidance about their wellbeing, frequently (more than three days in any 30-day period) or overnight between 2am and 6am. **Since 1 September 2026 this applies whether or not the person is supervised.** Supervision, or the presence of a second adult, no longer takes a role out of regulated activity with children.

5.2 **Regulated activity with adults.** This includes providing health care, personal care, social work, help with cash, bills or shopping, help with legal or financial affairs, or conveying an adult to or from such services, where the adult needs it because of age, illness or disability. There is no frequency test and no supervision exemption.

5.3 **The Council's rule.** The Council will request an enhanced check with the relevant barred list check for every role in regulated activity. It is a criminal offence for the Council knowingly to allow a barred person to carry out regulated activity. For roles that work with children or adults at risk but are not in regulated activity, the Council may request an enhanced check where the role is eligible and a risk assessment supports it.

5.4 **Occasional helpers.** People who help at one-off or occasional Council events, such as a parent helping at a single event, are not in regulated activity and do not need a check. The Council's preferred practice is still that at least two responsible adults are present at activities involving children or adults at risk; this is a safeguarding measure, not a legal exemption.

5.5 **Review of existing roles.** The Town Clerk will review all staff and volunteer roles against the definitions in sections 5.1 and 5.2, record the outcome, and request checks for any role that is newly in regulated activity because of the removal of the supervision exemption.

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6. Councillors

6.1 Being elected or co-opted as a councillor does not in itself require a DBS check. Councillors must meet the qualification and disqualification rules in the Local Government Act 1972 and related legislation, and must tell the Proper Officer if they become disqualified.

6.2 A councillor needs a DBS check only where they personally deliver a Council service, run solely by the Council, that involves regulated activity with children or adults at risk. Councillors who volunteer with other organisations are covered by those organisations' arrangements.

7. Deciding whether a check is required

7.1 The Town Clerk decides whether a role needs a check, and at what level, having regard to the DBS eligibility guidance and this policy, and may take external advice. The Town Clerk considers the nature of the role, how often and how closely it involves children or adults at risk, and whether it meets the definitions in section 5.

7.2 The decision and the reason are recorded for each role. Decisions on the Town Clerk's own role are made by the Chair of the HR Sub-Committee.

8. Recruitment and existing roles

8.1 Where a check is required:

1. the requirement and level are identified before recruitment begins and stated in the recruitment documents;
2. any offer is conditional on a satisfactory check, references and identity verification; and
3. the person must not start regulated activity until the check, including the barred list check, has been received.

8.2 The Council will accept a current certificate through the DBS Update Service, with the person's consent, where the certificate is at the right level and for the right workforce.

8.3 The Council may request a new check where a person moves into a role involving regulated activity, their responsibilities change significantly, the law changes, or there are safeguarding concerns that justify it and the law allows. Individuals must tell the Town Clerk of any matter that may affect their suitability.

9. Assessing criminal record information

9.1 A criminal record does not automatically prevent someone from working or volunteering with the Council, unless they are barred from the regulated activity concerned. The Town Clerk considers the relevance of the offence to the role, its seriousness, how long ago it happened, the person's age at the time, any pattern of offending, evidence of rehabilitation, and the safeguarding risks of the role.

9.2 The Council does not take account of convictions or cautions that are spent and protected (filtered) under the Rehabilitation of Offenders Act 1974 and the Exceptions Order. The person is given the chance to discuss any information before a decision is made.

10. Duty to refer to the DBS

10.1 If the Council removes a person from regulated activity, or would have done so had they not left, because they harmed or posed a risk of harm to a child or adult at risk, the Council must refer them to the DBS under the Safeguarding Vulnerable Groups Act 2006. Since 1 September 2026 this includes roles with

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children that were previously exempt because they were supervised. The Town Clerk makes the referral, or the Chair of the HR Sub-Committee if the matter concerns the Town Clerk.

11. Storage, handling and disposal

11.1 DBS certificates are not copied or retained. In line with DBS guidance, the Council records only the date of issue, the certificate number, the level of check, the post concerned and the recruitment decision, and keeps that record in line with the Records Retention Scheme.

11.2 DBS information is confidential, seen only by those who need it, and processed under UK GDPR, the Data Protection Act 2018, the Data Protection Policy and the Appropriate Policy Document, which sets out the conditions relied on for employees and volunteers.

12. Responsibilities

Role	Responsibilities
Town Clerk	Decides whether checks are required and at what level; keeps the role review and DBS records; assesses criminal record information; makes DBS referrals
Chair of the HR Sub-Committee	Acts for the Council on DBS matters concerning the Town Clerk
Line managers and event leads	Identify safeguarding risks; make sure people do not start regulated activity before checks are complete; arrange appropriate supervision
Employees, volunteers and councillors	Give accurate information; follow the Safeguarding Policy; report any matter that may affect their suitability

13. Related policies

13.1 Safeguarding Policy; Appropriate Policy Document; Data Protection Policy; Volunteer Policy; Equality and Diversity Policy; Code of Conduct; Records Retention Scheme.

14. Version history

Version	Date	Minute	Approved by	Summary
2026	8 July 2026	C 143/07/26	Full Council	DBS Policy 2026
1.3 (26)	2 Dec 2026 (PR)	To be added	Policy and Resources, then Full Council	Removal of the supervision exemption (1 September 2026); levels of check; regulated activity with adults; DBS Update Service; filtering; duty to refer to the DBS; councillor position aligned with the Safeguarding Policy; certificates not copied or kept; links to the Appropriate Policy Document

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