SURYA EMPOWERMENT MOVEMENT CIC

DBS and Criminal Records Checks Policy

Safer recruitment, fair decision-making and secure handling of criminal-record information

Version: 1.0
Status: For Board adoption
Policy owner: Board of Directors
Approval date: To be recorded when adopted
Review cycle: At least annually and following relevant legal or operational change

> **Core rule.** Surya assesses the actual duties of each role before requesting a DBS check. The CIC will request only the level of check that is necessary, proportionate and legally permitted.

Purpose

This policy explains how Surya Empowerment Movement CIC ("Surya" or "the CIC") uses Disclosure and Barring Service (DBS) checks as part of safer recruitment and ongoing safeguarding. It is intended to protect children and adults at risk of harm while ensuring that applicants with criminal records are treated fairly, lawfully and consistently.

A DBS check is one part of safer recruitment. It does not replace identity checks, references, qualification and professional-registration checks, employment-history enquiries, safeguarding procedures, appropriate supervision or sound professional judgement.

Scope

This policy applies to directors, employees, workers, sessional staff, self-employed practitioners, contractors, volunteers, students and placement workers where Surya is responsible for deciding their suitability for a role. It applies across corporate workplaces, community venues, residential settings, care homes, online delivery and other commissioned locations.

Where a partner, venue or commissioner undertakes the check, Surya will clarify responsibilities in writing and will obtain appropriate assurance. A request from a client or venue does not, by itself, create legal eligibility for a Standard, Enhanced or barred-list check.

Policy principles

- Every role will be assessed individually against current DBS eligibility rules before a check is requested.
- CIC status, job title, director status, payment status or contact with adults generally does not automatically create eligibility for a Standard or Enhanced check.
- Surya will ask only for information it is legally entitled to know and will never request a barred-list check unless the role is legally eligible.
- Having a criminal record will not automatically prevent appointment. Decisions will be based on the role, the information disclosed, the surrounding circumstances and any safeguards available.
- DBS information will be handled confidentially, securely and only for the purpose for which it was obtained.
- All decisions will support equality of opportunity and comply with applicable safeguarding, rehabilitation-of-offenders and data-protection law.

Responsibilities

The Board of Directors is accountable for this policy, approves material changes and ensures that Surya has suitable safer-recruitment and safeguarding arrangements.

The Designated Safeguarding Lead (DSL), or the director formally carrying that responsibility, advises on regulated activity, safeguarding risks and any potential duty to make a referral to DBS or another authority.

The recruiting director or manager must complete and retain a role-eligibility assessment, communicate the requirement to applicants, follow the checking procedure and restrict access to certificate information.

Anyone involved in a decision about disclosed information must understand the Rehabilitation of Offenders Act framework, DBS filtering rules, fair decision-making and confidentiality. Surya will arrange suitable guidance or training before a person undertakes this responsibility.

Deciding whether a DBS check is required

Before recruitment or engagement begins, Surya will prepare an accurate role description and assess the people served, activities undertaken, frequency, setting, degree of supervision and whether the role is regulated activity. The decision and its rationale will be recorded using the role-eligibility record in Appendix B or an equivalent record.

Where eligibility for a Standard, Enhanced or barred-list check is uncertain, Surya will consult current DBS guidance and its Responsible Organisation, registered body or umbrella body before submitting an application. Surya will not request a higher level of check “just in case”.

Levels of DBS check

Level	What it contains	When Surya may use it
Basic	Unspent convictions and conditional cautions.	Any role, but only where the check is necessary and proportionate to an identified risk.
Standard	Relevant conviction and caution information, subject to statutory filtering.	Only roles listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended.
Enhanced	Standard-level information plus relevant information held by local police.	Only roles meeting the statutory Enhanced-check eligibility criteria.
Enhanced with barred list	Enhanced information plus the relevant Children's and/or Adults' Barred List.	Only regulated activity and the limited additional positions defined in law.

Application to Surya's activities

- A governance-only director, administrator or practitioner delivering general adult or corporate wellbeing sessions is not automatically eligible for a Standard or Enhanced check. A Basic check may be considered where it is justified and proportionate.
- A practitioner working regularly in a care home, or providing frequent services specifically to adults because of age, illness or disability, may be eligible for an Enhanced check in the adult workforce without an Adults' Barred List check, depending on the exact activities and frequency.
- A person providing regulated healthcare, personal care, social work or another form of regulated activity with adults may be eligible for an Enhanced check with an Adults' Barred List check.
- A person regularly teaching, training, caring for or supervising children may be eligible for an Enhanced child-workforce check. Access to the Children's Barred List depends on whether the role is regulated activity, including the applicable frequency and supervision rules.
- The occasional presence of a 16- or 17-year-old in an activity aimed mainly at adults does not automatically make the role regulated activity with children.

Recruitment and checking procedure

1. **Assess the role.** Prepare the role description and record whether a check is required, the lawful level, workforce and any barred list.
2. **Tell applicants.** State the DBS requirement and level in the advert, role information and recruitment documents. Provide or link to the applicant statement in Appendix A.
3. **Select on merit.** Shortlist and interview candidates on relevant skills, qualifications, experience and values. Do not request unnecessary criminal-record information during initial selection.

4. **Make a conditional offer.** Except where another lawful process applies, request the DBS check only after deciding to make a conditional offer or conditional engagement.
5. **Verify identity and submit correctly.** Follow current DBS identity requirements and use the appropriate Responsible Organisation, registered body or umbrella body. Check that the workforce, level and barred-list request are correct.
6. **View the original certificate.** The applicant normally receives the certificate. Surya will view the original certificate in the manner permitted by current DBS guidance and will not rely on an unauthorised copy, screenshot or video view.
7. **Assess any information.** If information is disclosed, follow the fair-assessment process below before making a final decision.
8. **Record the outcome.** Keep only the limited check details and decision record permitted by this policy. Do not retain the certificate or an image longer than necessary.
9. **Confirm the appointment.** Confirm the appointment only when all required checks are complete and any identified risk has been assessed and accepted.

> **Starting work.** A person will not begin unsupervised regulated activity until the required check and barred-list information have been satisfactorily considered. Any exceptional interim arrangement must be lawful, documented, risk-assessed and appropriately supervised.

Existing certificates and the Update Service

Surya will not treat a previously issued certificate as automatically transferable. Before accepting it, Surya will confirm that it is the correct level and workforce for the new role, that any barred-list information required is present and that the role remains legally eligible.

- Surya must see the original DBS certificate before completing an Update Service status check.
- A status check will be made only with the individual's consent and only where Surya could legally request the same type and level of check for the same workforce.
- If the status shows no change, Surya will consider the original certificate together with the role and any other safer-recruitment information.
- If the status shows a change, Surya will discuss this with the individual and request a new certificate where appropriate before reaching a decision.
- Surya will stop status checks when the person leaves, withdraws consent or moves to a role for which the same check is no longer lawful.

Applicants who have lived or worked overseas

A DBS certificate may not provide a complete criminal-record history for time spent outside the UK. Where relevant and proportionate, Surya may request an overseas criminal-record check, certificate of good conduct or equivalent evidence, following current Home Office guidance. The need for an overseas check will be assessed consistently and communicated transparently.

Fair recruitment and assessment of disclosed information

Surya welcomes applications from people with the right skills, experience and potential, including people with criminal records. The CIC will not discriminate unfairly because of a conviction, caution or other information revealed through a lawful check.

For a Basic check, Surya will ask only about unspent information that may lawfully be disclosed. For an eligible Standard or Enhanced check, Surya will ask only about information it is legally entitled to know and will not ask an applicant to disclose protected convictions or cautions.

Decision-making process

Where relevant information is disclosed, Surya will hold a private, open and measured discussion with the individual before withdrawing a conditional offer or engagement. The individual may explain the circumstances, provide supporting information and raise any concern about the certificate's accuracy.

- whether the information is relevant to the specific duties and safeguarding risks of the role;
- the seriousness, nature and circumstances of the conduct;
- the person's age at the time and the time elapsed;
- whether the matter was isolated or forms part of a pattern;
- the person's explanation, insight and evidence of rehabilitation;
- the level of access, responsibility, trust and supervision in the role;
- the views of an appropriate safeguarding or professional adviser where needed; and
- whether reasonable safeguards could manage the identified risk.

Where possible, a decision to refuse or withdraw an appointment because of disclosed information will be reviewed by two authorised decision-makers. The reasons, evidence considered and outcome will be recorded confidentially. Automatic exclusion will apply only where the person is barred from the relevant regulated activity, another legal disqualification applies or the role-specific risk cannot reasonably be managed.

Failure to disclose information that the individual was clearly and lawfully required to disclose may lead to withdrawal of a conditional offer or action under the relevant conduct procedure. No action will be taken for failure to disclose information that Surya was not legally entitled to request.

Rechecking and ongoing suitability

A DBS certificate has no official expiry date and records information available when it was issued. Where a role remains eligible and a continuing check remains necessary and proportionate, Surya will normally:

- carry out an Update Service status check at appointment and thereafter normally annually for an ongoing eligible role, where the person is subscribed and has consented; or

- request a new certificate at intervals not exceeding three years where the Update Service is not used, unless a shorter period is required by law, a commissioner, a regulator or a documented risk assessment.

Eligibility will be reassessed whenever duties, recipients, frequency, setting or supervision materially change. A new check will not be requested if the revised role is no longer legally eligible.

People in roles subject to criminal-record checking must inform the DSL or responsible director without unreasonable delay of any new conviction, caution, barred-list status or professional restriction that they are legally required to disclose and that may affect their suitability for the role. Any information will be assessed fairly and confidentially.

Information handling and data protection

Lawful processing and appropriate policy document

Criminal-record and barring information is criminal-offence data. Before processing it, Surya will identify and document an Article 6 UK GDPR lawful basis and an applicable Data Protection Act 2018 Schedule 1 condition. Depending on the context, these may include legal obligation or legitimate interests and the employment or safeguarding conditions. Consent to an Update Service status check is required, but consent will not be treated as the sole lawful basis for the wider processing of criminal-offence data.

Where an appropriate policy document is required by the Data Protection Act 2018, this section, read with Surya's data-protection and retention arrangements, forms that document. Surya applies the principles of lawfulness, fairness, transparency, purpose limitation, data minimisation, accuracy, storage limitation, security and accountability. This section will be reviewed at least annually and retained for the period required by law after relevant processing ends.

Access, storage and sharing

- Access is restricted to authorised directors, the DSL and others who need the information to perform their duties.
- Paper information will be kept in locked, non-portable storage. Electronic information will be kept in access-controlled, appropriately secured systems.
- Certificate information will be used only for the purpose for which it was obtained and will not be shared with an unauthorised person.
- Surya will keep a record of any lawful disclosure of certificate information to another authorised recipient.
- Applicants will be told what information is collected, why it is required, who can access it and how long it will be retained.

Retention and secure disposal

Once a recruitment or suitability decision has been made, Surya will not retain a certificate, copy, image or representation of its contents for longer than necessary. The normal maximum is six months after the

decision, unless a longer period is demonstrably required for a dispute, complaint, safeguarding audit or other lawful purpose.

Surya may retain a limited record of the individual's name, certificate issue date, certificate type and workforce, position, unique reference number, date and outcome of any permitted Update Service check, and the recruitment decision. These details will be retained only in accordance with Surya's personnel and retention schedule. A certificate reference will be kept only while needed for lawful status checks.

When the retention period ends, paper information will be cross-cut shredded or disposed of through an approved confidential-waste service, and electronic information will be securely deleted. Information awaiting destruction will remain secure.

Regulated activity, barring and referrals

A barred person must not undertake, seek or offer to undertake regulated activity with the group from which they are barred. Surya will not knowingly permit a barred person to undertake such activity.

Where Surya is a regulated activity provider and removes a person from regulated activity, or would have removed them had they not left, because the relevant conduct, harm-test or other statutory referral conditions are met, Surya will make a referral to DBS. This duty may apply even where the matter has also been referred to the local authority, police, commissioner or professional regulator.

The DSL and Board will ensure that safeguarding and internal investigations are completed appropriately, advice is obtained where necessary and referrals are made without avoidable delay once the legal conditions are established. Records will be handled under the safeguarding and data-protection arrangements.

Complaints, disputes and appeals

An applicant may ask the responsible director to review whether the correct level of check was requested, how information was considered or whether this policy was followed. Where possible, the review will be conducted by a director who was not the original sole decision-maker.

If an individual believes a DBS certificate is inaccurate, they will be directed to the DBS dispute process. Where appropriate and safe, Surya will pause the final decision while a timely dispute is resolved. Data-protection concerns may be raised with Surya's data-protection lead and, if unresolved, with the Information Commissioner's Office.

Breaches of this policy

Knowingly requesting an unlawful level of check, accessing Update Service information without entitlement or consent, or disclosing certificate information to an unauthorised person may constitute a serious breach. Surya will investigate, contain the risk, take appropriate organisational or contractual action and make any legally required notification.

Monitoring and review

The Board will review this policy at least annually and sooner if relevant law or DBS guidance changes, Surya introduces materially different services, a safeguarding incident identifies a gap or a commissioner requires a lawful procedural change. Role-eligibility decisions must be reviewed whenever the role changes.

Related policies and legal framework

This policy should be read alongside Surya's safeguarding, recruitment, equality, data-protection/privacy, retention, complaints and conduct arrangements, as applicable.

- Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended
- Police Act 1997 and relevant Criminal Records Regulations
- Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012
- Data Protection Act 2018 and UK GDPR
- Equality Act 2010
- DBS Code of Practice and current DBS eligibility, filtering, Update Service, certificate-handling and referral guidance

Appendix A: Applicant statement on the recruitment of people with criminal records

Surya Empowerment Movement CIC uses criminal-record checks only where they are relevant, proportionate and legally permitted. We comply with the DBS Code of Practice and are committed to treating applicants fairly.

- We welcome applications from people with the appropriate skills, experience and potential, including people with criminal records.
- We select candidates on their ability to meet the requirements of the role.
- We ask only for conviction and caution information that we are legally entitled to know about.
- Before requesting a Standard or Enhanced check, we assess the role and confirm that it is legally eligible.
- Where a check is required, the advert or recruitment information will state that an application may be requested following a conditional offer.
- A criminal record will not automatically prevent appointment. We consider the relevance, circumstances, time elapsed, pattern of behaviour, evidence of rehabilitation and the safeguards available.
- We will discuss relevant information with the individual before withdrawing a conditional offer or engagement.
- We will not take account of protected convictions or cautions, or other information that we are not legally entitled to request.
- We handle all certificate information confidentially and in accordance with data-protection law and the DBS Code of Practice.

An applicant may request a copy of this policy and the DBS Code of Practice. Questions about the DBS requirement for a role should be directed to the recruiting contact before the application is submitted.

Appendix B: Role eligibility decision record

Complete this record before requesting a criminal-record check and whenever the role materially changes. Do not include applicant conviction information on this form.

Field	Decision or evidence
Role title	
Employment or engagement status	
Role description reviewed on	
People served	Adults / children / both / general public
Settings	Corporate / community / residential / care home / online / other
Relevant activities and responsibilities	
Frequency and supervision	
Is any activity legally regulated activity?	Yes / No / Uncertain
DBS eligibility source consulted	
Umbrella or registered-body advice	
Check decision	None / Basic / Standard / Enhanced / Enhanced with barred list
Workforce	Adult / Child / Both / Other / Not applicable
Barred list requested	None / Adults / Children / Both
Why the check is necessary and proportionate	
Interim working restrictions, if any	
Decision made by	
Decision date	
Review trigger or review date	

Board adoption record

Board approval field	Record
Approved by	Annemarie Hlavacova, Director
Approval date	26th July 2026
Signed on behalf of the Board	*Annemarie Hlavacova*
Next scheduled review	16th July 2027