

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LICENSING & APPEALS COMMITTEE**

**23 July 2013**

**Report of the Director of Central Services and Monitoring Officer**

**Part 1- Public**

**Matters for Information**

**1 UPDATE ON CHANGES TO THE DATA BARRING SERVICE (DBS)**

**1.1 Introduction**

1.1.1 From the 17 June 2013 there are two important changes to criminal record checks for Registered Bodies:-

**DBS Certificates**

1.1.2 The DBS will no longer automatically issue a copy of the applicant's DBS Certificate to the Registered Body (Tonbridge and Malling Borough Council) who countersigned the DBS application form. Employers will need to ask the applicant for sight of their DBS Certificate.

1.1.3 This change by the Government aims to put the individual in greater control of their own data. Individuals will now be able to challenge the information released from the DBS before Tonbridge and Malling Borough Council view it.

1.1.4 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 (Initially £13 a year); 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.

### Field 61 on the Application form

- 1.1.5 At the same time as the Update Service becomes available, the DBS will use a new relevancy test when considering the release of non-conviction information about an individual. It will now be based on the type of workforce and no longer the actual job role.
- 1.1.6 This change means that DBS Certificates can be taken from role to role within the same workforce i.e. when moving between jobs that involve working with children, adults, both or other.
- 1.1.7 TMBC, as a Registered Body, when completing the field “position applied for” Individuals, would write “Taxi Driver”, this will change to “Child and Adult Workforce”.
- 1.1.8 Other classifications are:
- Child Workforce
  - Adult Workforce
  - Child and Adult Workforce
  - Other Workforce

### Interpreting Status check results

- TMBC must see the original DBS certificate to ensure that it is “Enhanced” level.
- Understand the information shown to consider if the applicant can have their Hackney Carriage or Private Hire driving licence issued or referred to a Licensing and Appeals Panel for their determination.
- Ensure that the person being checked is the same person as that named on the actual DBS Certificate. TMBC uses Passport, Photo driving licence and National Insurance Number as a minimum.

Online result	Interpretation
<p>This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.</p>	<ul style="list-style-type: none"> <li>• The DBS Certificate when issued was blank i.e. it did not reveal any information about the person; and</li> <li>• No new information has been found since its issue and can therefore be accepted as being still current and valid.</li> </ul>

Online result	Interpretation
This DBS Certificate remains current as no further information has been identified since its issue.	<ul style="list-style-type: none"> <li>• The DBS Certificate revealed information about the person; and</li> <li>• No new information has been found since its issue and can therefore be accepted as being still current and valid.</li> </ul>
This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.	<ul style="list-style-type: none"> <li>• New information has come to light since the DBS Certificate was issued and you will need to apply for a new DBS check to see this new information.</li> </ul>
The details entered do not match those held on our system. Please check and try again	<ul style="list-style-type: none"> <li>• The individual has not subscribed to the Update Service; or</li> <li>• The DBS Certificate has been removed from the Update Service; or</li> <li>• You have not entered the correct information.</li> </ul>

## 1.2 Legal Implications

1.2.1 None

## 1.3 Financial and Value for Money Considerations

1.3.1 None

## 1.4 Risk Assessment

1.4.1 Failure to check an applicant's DBS certificate during the processing of a Hackney Carriage and Private Hire Drivers licence may result in licensing unfit and proper candidate.

## 1.5 Recommendations

1.5.1 Members are asked to note the changes to the Data Barring Service

## 1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report

Background papers:

contact: Anthony Garnett

DBS Guide

www.gov.uk/dbs

Adrian Stanfield

Central Services Director and Monitoring Officer

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	N/A	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*