# Resourcing and Talent

## Safer Recruitment, Right to Work, and DBS

# Procedure

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| Version 1Oct 2025 | Rebranding of policy to CFRS. Update to information on DBS checks and Right to Work legislation changes from 2025. Inclusion of Data Handling into policy. Addition of Transgender Process information, Update Service information. Included Right to Work new legislation. Updated Appendices.  | Resourcing and Talent |

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### [Introduction](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)

* 1. Cumbria Fire and Rescue Service (CFRS) is committed to safeguarding and promoting the welfare of children and vulnerable adults and expects all employees, volunteers and the Externally Provided Workforce (EPWs) to share this commitment.
	2. This is reflected in the way we recruit, contract services, undertake our duties and address any safeguarding concerns which may arise. The purpose of this procedure is to ensure that those engaging in work for CFRS are aware of their responsibilities and expectations relating to:
* Safe and fair recruitment,
* The Disclosure and Barring Service (DBS)
* Safer employment and;
* Matters arising due to criminal convictions, cautions, or an individual’s actions that may be the subject of a police investigation.

### Scope

* 1. This procedure will apply to:
* All employees
* Volunteers or people on work experience
* Candidates seeking paid work or volunteering opportunities
* The externally provided workforce (EPW) and contractors
* Elected members

### Safe and Fair Recruitment

* 1. Safe and fair recruitment is the first step to safeguarding and promoting the welfare of children and vulnerable adults. The purpose of a safe and fair recruitment process is to help identify and, where necessary, deter people who are unable to work in specific roles according to legislation.
	2. The recruitment process outlined in the **Resourcing and Talent Guidance** should always be followed.
	3. Relevant pre-employment checks for the role should be received and deemed to be satisfactory before the individual starts work. Allowing an individual to start work without the necessary pre-employment clearances is a disciplinary matter. Full information on the required pre-employment checks can be found in Section 12 of the **Resourcing and Talent Guidance.**

### Rehabilitation of Offenders Act 1974 (ROA)

* 1. **Rehabilitation of Offenders Act 1974**

**The Rehabilitation of Offenders Act 1974** (“1974 Act”) primarily exists to support the rehabilitation into employment of those with convictions who have ceased offending.

Under the ROA, eligible convictions or cautions become ‘spent’ after a specified period of time, know as the ‘rehabilitation period’.

The rehabilitation periods depend on:

* the sentence given or disposal administered as a result of a conviction
* the age of the individual on the date they are convicted

Where a conviction has become spent, the individual is treated as rehabilitated in respect of that offence and is not obliged to declare it for most purposes, for example, when applying for most jobs or insurance, some educational courses, and housing applications.

Someone with a spent conviction shall be treated for all purposes in law as a person who has not been convicted of the offence which was the subject of that conviction.

The 1974 Act covers simple cautions (which become spent immediately) and conditional cautions (which become spent after three months).

Fixed Penalty Notices and Penalty Notices for Disorder do not constitute a conviction or caution (and are therefore not covered by the 1974 Act. They may, however, be recorded on local police systems should the relevant police force consider it necessary to do so.

The following sentences are exempt from the 1974 Act and can **never** become spent:

1. Sentence of imprisonment for life.
2. Sentence of imprisonment, sentence of detention for youth detention in a young offender institution or corrective training of over 4 years for serious violent, sexual, or terrorist offences.
3. Sentence of preventive detention.
4. Sentence of detention during His Majesty’s pleasure or for life.
5. Sentence of custody for life.
6. Public protection sentences (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders).
	1. **Criminal Records and Rehabilitation periods**

A “criminal record” is created on the Police National Computer (PNC) and can include a person’s criminal convictions, cautions and other relevant information.

Details of all recordable offences are kept on the PNC until the individual is 100 years old and can be accessed by the police. This does not mean that they will be disclosed as part of a criminal record check or require an individual to disclose if the conviction is regarded as spent.

* 1. **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 establishes exceptions to thegeneral rule that individuals with spent convictions do not need to disclose their criminal record.

This order is crucial for ensuring that certain professions and roles can assess the suitability of candidates with past convictions, particularly in sensitive areas such as security, healthcare, and education.

Where the Exceptions Order applies this will usually be indicated in the job advert for the role by stating that a ‘standard’ or ‘enhanced’ DBS criminal record check may be required.  In these circumstances an applicant will be required to list all cautions and convictions, including those that are spent, unless for the purposes of the job or activity they are considered ‘protected’.

The jobs and activities listed in the Exceptions Order mainly relate to particularly sensitive areas, such as work with children or health and social care, work in law enforcement and the legal system, and high-level financial positions. Exceptions also apply to certain certificates and licences (such as a firearms certificate) and to certain proceedings (such as those connected with admission to certain regulated professions).

Due to the inclusion of fire and rescue authority employees in the Rehabilitation of Offenders Act (Exceptions) Order 1975; eligibility for a Standard Level of DBS check is available for all who work or volunteer for fire and rescue authorities.

However, depending on activities undertaken by those working for fire and rescue authorities, the frequency of those activities and risk assessment undertaken by the authority, there may be some discretion for employees to be eligible for Enhanced levels of DBS checks (with or without Barred List checks).

The eligibility of the level of check will always be included on the Post Specification for that job role.

**Reminder:** **DBS checks are for the role, not the individual.**

### **Disclosure and Barring Service and DBS Checks**

* 1. **Disclosure and Barring Service**

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions by processing and issuing DBS checks for England and Wales. DBS also maintains the Adults’ and Children’s Barred Lists and makes considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity.

* 1. **Types of Checks**

There are four types of DBS check, and each type results in a DBS certificate being issued to an individual. Employers can then ask to see the certificate to ensure that they can consider proportionate risk mitigation measures, where necessary.

Please see the below table for the type of check and relevant information:

|  |  |  |
| --- | --- | --- |
| **Type of Check** | **Conviction and Caution Information Included** | **Relevant Police Intelligence Included** |
| Basic | Unspent ONLY | No |
| Standard | Spent and Unspent (subject to filtering) | No |
| Enhanced | Spent and Unspent (subject to filtering) | Yes  |
| Enhanced with (relevant) Barred List(s) | Spent and Unspent (subject to filtering) | Yes |

* 1. **Regulated Activity**

“Regulated Activity” refers to a number of activities that a person may undertake when working with children or adults; those activities are prescribed in legislation.

Anyone working in regulated activity is eligible for an Enhanced with (relevant) Barred List check.

* Guidance about regulated activity with children has been published by the Department for Education (DfE).
* Information about regulated activity with adults is available from the Department of Health and Social Care (DHSC).
* The DBS have produced a number of leaflets which may be useful in determining whether activities being undertaken by fire and rescue authority employees would be considered regulated activity.

(Link: <https://www.gov.uk/government/publications/dbs-guidance-leaflets>)

Anybody who has been barred by the DBS **must not** carry out regulated activity; it is a criminal offence to seek regulated activity employment once barred and employers must not knowingly employ a person who is barred to undertake such a role.

DBS is unable to access criminal records held overseas, so a DBS check may not provide a complete view of an applicant’s criminal record, if they have lived outside of the UK. More information about how to [**get a criminal record check for overseas applicants**](https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants) (link), or those that have previously lived outside of the UK, on the Home Office website.

* 1. **Working with Children or Adults**

There are certain positions and activities with children (under 18s) and with adults that defines as work with children or adults. These are not regulated activity.

These positions, activities, and people are all set out in legislation. Where a regulated activity is being carried out, but it is not being done often enough this is also considered work with children or adults.

Anyone working with children or adults as defined in legislation will be eligible for an enhanced DBS check.

* Guidance about work with children can be found in the Child Workforce Guide, including overnight care. Link:[Child Workforce Guide, including overnight care](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804668/Child_workforce_guide_v10_0_28052019.pdf)
* Guidance about work with adults can be found on page 2 and in Annex 1 of the Adult Workforce guide Link: [Adult Workforce Guide](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1047848/Adult_workforce_guide_v11.0_18012022.pdf)
	1. **Eligibility**

CFRS are only eligible to request a standard or enhanced disclosure check, containing information on both unprotected spent and unspent convictions, for an employee or prospective employee if that individual is engaged in an activity listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

If this applies, the applicant will be required to disclose any unprotected spent cautions and convictions that they have.

In the case of enhanced DBS checks, the activity or position is also included in the Regulations made under the Police Act 1997. If you are unsure whether such a check can be requested, please contact the Resourcing team via email: recruitment@cumbriafire.gov.uk

Access to Standard, Enhanced, and Enhanced with Barred List(s) DBS checks is only available to employers who are entitled by law to ask an individual to reveal their full criminal history, including spent convictions (excluding [protected cautions and convictions that will be filtered from a criminal record check](https://www.gov.uk/government/collections/dbs-filtering-guidance) link). This is known as asking ‘an exempted question’.

An exempted question applies when the individual will be working in specific occupations, for certain licenses or specified positions. These are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Knowingly requesting a higher-level check than the legislation allows is unlawful and could be a breach of the Data Protection Act 2018 and other relevant legislation.

The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

### **Transgender Process for DBS Checks**

DBS offers a confidential checking process for transgender applicants.

This process is for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check.

For more information about the transgender process, email sensitive@dbs.gov.uk or see the DBS [Transgender Applications guidance](https://www.gov.uk/guidance/transgender-applications) (link).

### **Update Service**

Individuals can join the [Update Service](https://www.gov.uk/government/collections/dbs-update-service-promotional-material) (link) which allows them to reuse their DBS certificates when applying for similar jobs.

The Update Service is only available for standard and enhanced checks. You cannot join the Update Service with a basic check.

For individuals to subscribe to the Update Service, they must do so within 30 days from when their certificate is issued. Please note that if an individual requests a reprint, the 30-day window applies from the original certificate date and not the reprint date.

[More information about the Update Service can be found on GOV.UK](https://www.gov.uk/government/collections/dbs-update-service-promotional-material) (link).

### **DBS at Pre-Employment**

We ask all candidates to disclose any unspent criminal offences during the recruitment process and employees thereafter, as and when applicable.

If candidates are applying for roles that require a Standard or Enhanced DBS certificate, it means they are applying for a role that is outlined in the ROA (exceptions) order and as such, we additionally require candidates to disclose any spent offences.

However, in all circumstances, candidates or employees should not disclose any offences which are protected or filtered from an individual’s criminal record.

It is important to consider candidates for employment from the broadest range possible, which includes ex-offenders. Obtaining a job can be an essential part of successful rehabilitation. CFRS actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates.

* 1. **Disclosure at Application**

The level of DBS check required will be detailed on the advert, on our Vacancies website, and on the job description for all recruitment.

At the application stage, we will only ask individuals to provide details of convictions and cautions that we are legally entitled to know about. Links to guidance and support for Ex-Offenders will be provided on the Resourcing and Talent web pages, to support candidates with knowing what to disclose and what not to.

**Only the Resourcing team have access to the raw data from the online application form or from applications, including CVs.** This information is removed from the data provided at the Shortlisting process, and will only be reviewed again in the instance that an offer of employment has been made and a DBS check has a positive disclosure on it.

If candidates incorrectly disclose information on the application form that we are not legally entitled to know about, this information will be disregarded and will not form part of any decision making process on the suitability for employment.

Where a candidate discloses offences that we are entitled to know about, applicants will be treated fairly and not discriminated unfairly against because of a conviction or other information revealed.

* 1. **DBS at Pre-employment checks**

All candidates offered employment will receive a **DBS Declaration Form** as part of their conditional offer, which they willcomplete, sign and return. A DBS check will not be processed before receipt of this form. It will cover the DBS Privacy Notice and request consent to share personal data with the Registered Body we are utilising.

If there is a positive disclosure on the DBS check, meaning a conviction or caution has come up at filtering, this must be addressed as soon as possible and resolved before an unconditional offer and/or contract of employment is issued.

* 1. **Handling DBS Certificates**

Under no circumstances, should managers copy, scan, transcribe or email a DBS certificate. This is unlawful practice and if this occurs, the incident will be recorded as a data breach. If the DBS certificate contains criminal offence information, managers should discuss the incident (s) with the individual and complete the risk assessment, as detailed at **6.4.**

### Positive Disclosure and Risk Assessment - Process

1. Where a positive disclosure comes up on a DBS check, the Resourcing team will initially contact the candidate to make them aware. The team will also reassure the candidate and ensure they are clear on the next steps of the process. The candidate will be encouraged to be open and honest about the conviction or caution.
2. The Resourcing team will then contact the relevant recruiting manager to make them aware and explain the Risk Assessment process to them. For On-Call, this will be the Station Manager to support and maintain confidentiality.
3. No other managers or staff should be made aware of the positive disclosure, it must be treated with absolute confidence, as the wider sharing of this can cause discrimination for the candidate. Anyone sharing information about DBS checks will be subject to the disciplinary procedure.
4. The Resourcing team will check the candidate’s application form to see if there has been an initial disclosure. It is important **not to withdraw** an offer of employment based on this one factor alone; there is still immense stigma around Ex-Offenders and we need to be a supportive employer.
5. The Resourcing team will send the manager the Positive Disclosure Risk Assessment template to complete with the candidate. Often, the candidate will need to wait for their DBS certificate to be received (usually in the post) to provide the exact detail.
6. The Manager can view the DBS certificate but cannot, under no circumstances, take a copy of the certificate.
7. Once the manager has completed the risk assessment details, it should be sent back to Resourcing who will review the information, sign, and then send to the relevant members of SLT An offer of employment will be withdrawn if the risk assessment indicates the appointment is unsuitable due to the nature of the incident in question.
8. The member of SLT has responsibility for making this decision following advice from Resourcing and/or HR.
9. All members of SLT will have received appropriate training, updated on an annual basis on carrying out risk assessments and assessing an individual’s suitability for employment where there is cause for concern about that individual working with children and/or vulnerable adults

### **DBS Data Handling, Use, Storage, Retention, and Disposal**

* 1. **General principles**

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, CFRS is required to fully comply with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

CFRS is also required to comply fully with its obligations under the General Data Protection Regulations 2016 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of DBS certificate information.

* 1. **Storage and access**

Certificate information should be held securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. This is limited to those who are required to verify the receipt of the DBS certificate (e.g. recruiting managers) and those required to assist in assessing an individual’s suitability for employment/ engagement following the receipt of a DBS certificate (e.g. Principal officers and Resourcing).

* 1. **Handling**

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

To note: organisations which are inspected by the Care Quality Commission (CQC) or Ofsted, and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW ) may be legally entitled to retain the certificate for the purposes of inspection.

In addition, organisations that require retention of certificates in order to demonstrate ‘safer recruitment’ practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. This practice will need to be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR), and incorporated within the individual organisation’s policy on the correct handling and safekeeping of DBS certificate information.

* 1. **Usage**

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

* 1. **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

* 1. **Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, not withstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

### **Right to Work**

CFRS must check an applicant is allowed to work in the UK before we employ them.

There are two ways of doing this:

* You can check the applicant’s right to work online, if they have given you a share code
* You can check the applicant’s original documents.

CFRS understands that applicants travel from all over to attend assessment days and interviews for their roles, and often when pre-employment checks are being undertaken an applicant is unable to travel to Resourcing and Talent to produce original documents.

Therefore, it is key that applicants are informed about the Right to Work check at interview/assessment, and this is detailed in RT3 – Invite to Assessment. The Resourcing and Talent team will share with applicants which documents can be accepted for this.

The recruiting manager will need to request to see the applicant’s original documents when they attend interview/assessment days. This must be done with the applicant present, and the recruiting manager will make copies of the documents, sign them, date them, and deliver them to the Resourcing and Talent team to store securely.

* 1. **Checking the applicants original documents:**
* Ask to see the applicant’s original documents. We can no longer accept biometric residence cards or permits. Ask the applicant for a share code instead.
* Check that the documents are valid with the applicant present.
* Make and keep copies of the documents and record the date you made the check.
	1. **What to check:**
* the documents are genuine, original and unchanged and belong to the person who has given them to you.
* photos are the same across all documents and look like the applicant.
* dates of birth are the same across all documents.
* if 2 documents give different names, the applicant has supporting documents showing why they’re different, such as a marriage certificate or divorce decree.

If the applicant is not a British or Irish citizen, you’ll also need to check that:

* the dates for the applicant’s right to work in the UK have not expired
* the applicant has permission to do the type of work you’re offering (including any limit on the number of hours they can work)
* for students you see evidence of their study and vacation times
	1. **Making a copy:**
* make a copy that cannot be changed, for example a photocopy
* make sure the copy is clear enough to read
* for passports, copy any page with the expiry date and applicant’s details (for example nationality, date of birth and photograph) including endorsements, for example a work visa
* for all other documents you must make a complete copy
* keep copies during the applicant’s employment and for 2 years after they stop working for you
* record the date the check was made

If there are any queries around any part of the Right to Work check, please contact Resourcing and Talent for advice and support.

* 1. **If the job applicant cannot show their documents**

You must [ask the Home Office to check an employee’s or potential employee’s immigration status](https://www.gov.uk/employee-immigration-employment-status) (link) if they cannot show their documents or online immigration status.

This could be, for example, because they:

* have an outstanding appeal, review or application with the Home Office
* arrived in the UK before 1989 and do not have documents to prove their immigration status or right to work

You must also ask the Home Office to check their status if they have:

* a digital or non-digital Certificate of Application that says you need to ask the Home Office to check their right to work
* an Application Registration Card

Application Registration Cards must state that the work the employer is offering is permitted.

The Home Office will send you a ‘Positive Verification Notice’ to confirm that the applicant has the right to work. You must keep this document.

The Resourcing team have attached a Right to Work Checklist to the Resourcing web pages, which details the acceptable documents for RTW checks. This is also sent to all applicants going through pre-employment checks.

More information on RTW Identity Check Rules can be found at **Appendix A,** and a list of documents can be found at **Appendix B.**

# APPENDIX A – Identity Checking for Right to Work

**Identity check rules**

The identity checker cannot verify the identity of a relative or partner, people who live in the same house as them, or a personal friend.

The ID checker **must**:

* Make sure that any details of current passport, UK driving licence and National Insurance Number are included on the paper or electronic application form.
* Follow the three route ID checking guidance set out below.
* Seek photographic identity documents (passport, driving licence, e-Visa or PASS card) in the first instance. This can be used to compare the applicant’s likeness. Check and validate the information provided on the application form by the applicant.
* Check that the application form is completed in full and the information it contains is accurate.  For example, that all addresses lived at in the last 5 years and names known by have been declared and are accurate. Failure to do this can result in delays in processing and the withdrawal of applications.
* Make sure the applicant fills in the address part of the form correctly if they have an [unusual address](https://www.gov.uk/government/publications/dbs-unusual-addresses-guidance/dbs-unusual-addresses-guide) (link), for example if they live abroad, in student accommodation or a hostel.
* Use a document type only once in the document count. For example, don’t accept two bank statements as two of the required documents if they are from the same bank.
* Not alter or amend the application form without the knowledge or agreement of the applicant.
* Keep a record of the documents used to validate each identity for a minimum of 2 years. This is to aid fraud investigation work carried out by DBS. DBS may ask for records of documents checked as part of ID verification as part of this process. Documents associated with applications up to 3 months old will also be requested as part of our routine compliance activity.  Documents can be recorded as copies of physical documents or PDF evidence of eVisa. If it is not possible to keep copies you must record:
	+ document type,
	+ country of issue
	+ any expiry date,
	+ any reference numbers, and
	+ notes if there were any discrepancies discussed as part of the ID verification process.
* Make sure the applicant downloads and completes a [DBS continuation sheet](https://www.gov.uk/government/publications/dbs-continuation-sheet) for additional information they can’t fit on the DBS application form.

**How to view ID documents**

There are three ways in which ID documents can be viewed and validated. CFRS **must** use option one unless it is not practical to have a face-to-face appointment with the applicant.

If CFRS are unable to use option one, this must be discussed with the Resourcing team and the reasons need to be recorded and option two can be considered. If option two is not practical the reasons must be recorded and option three can be used. The rationale behind the use of options two or three **must be kept**. A record of the documents used to validate the identity must be kept for a minimum of 2 years regardless of which option is used.

All documents **must be physical documents**, unless you are viewing the applicant’s eVisa on the Home Office “View and Prove” site or a digital PASS card with QR code that has been checked.

We cannot accept photocopies or scanned documents (with the exception of the initial Option three check as described below).

Documents printed from the internet, for example bank statements, are not acceptable for ID purposes. The applicant can ask their bank to print off a bank statement for them and endorse it with a stamp and signature if they do not have hard copy bank statements.

**Option one**

The ID check should be done in person, allowing the ID checker to view the physical documents, or eVisa, or digital PASS card, in the presence of the individual.

**You must keep a record of the documents used to validate the identity for a minimum of 2 years**

**Option two**

The ID checker can conduct the ID check via video link – for example Google Meet or FaceTime. In these circumstances the ID checker must be in possession of the physical documents. These can be posted to the ID checker in advance of the virtual call. Any risks identified when using live video must be assessed and mitigated by you. You must not rely on the inspection of the documents via a live video link, or by checking a faxed or scanned copy of the document.

**If option two is used, you must keep a record of why option one was not used, along with a record of the documents used to validate the identity, for a minimum of 2 years. The rationale must be specific to the individual ID verification, it is not acceptable to default to the use of options two or three.**

**Option three**

The ID check can be completed via video link – for example Google Meet or FaceTime – without the ID checker being in physical possession of the ID documents. Documents can either be held up to the camera during the video link or sent as a scanned image/photograph via email. The details of the documents, as set out above, must be recorded and stored at the time of the video link ID check. The documents must subsequently be presented to the ID checker prior to employment starting. In exceptional circumstances this may be on the first day of employment.

A fully compliant combination of documents must be presented to the ID checker – presentation of only one physical document is not acceptable. The ID checker must record the date the ID check was completed in person and cross reference the details recorded from the video link ID check. If there are any discrepancies the DBS check may be invalid. The applicant should not be allowed to commence employment until a full and satisfactory set of documents is examined.

**If option three is used you must keep a record of why options one and option two were not used, along with a record of the documents used to validate the identity, for a minimum of 2 years. The rationale must be specific to the individual ID verification, it is not acceptable to default to the use of options two or three as part of your process.**

**What if there are discrepancies?**

If there are any discrepancies in the information provided by the applicant and/or the identity documents supplied, contact Resourcing and Talent for further advice.

**Transgender Applicants**

All applicants should be made aware of the [transgender application route](https://www.gov.uk/guidance/transgender-applications). The transgender application route applicants to declare previous names and sexes without including them on the application form.

**Applicants who have been adopted**

If the applicant was adopted before the age of 10, they do not need to provide their surname at birth in section A of the DBS application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

# APPENDIX B – RIGHT TO WORK DOCUMENT LISTS

**The 3 Route ID Checking Process**

You must use route 1 where possible. You can only move on to route 2 if the applicant is unable to present the documents needed in route 1.

**Route 1**

The applicant must be able to show:

* one document from Group 1, below
* two further documents from either Group 1, or Group 2a, or 2b, below

The combination of documents presented must confirm the applicant’s name and date of birth.

**Route 2**

Route 2 can only be used if it’s impossible to process the application through Route 1.

**The organisation conducting the ID check must then also use an appropriate external ID verification service to check the application.**

If the applicant doesn’t have any of the documents in Group 1, then they must be able to show:

* one document from Group 2a
* two further documents from either Group 2a or 2b

The combination of documents presented must confirm the applicant’s name and date of birth.

**Route 3**

Route 3 can only be used if it’s impossible to process the application through Routes 1 or 2.

For Route 3, the applicant must be able to show:

* a birth certificate issued more than 12 months after the time of birth (UK, Isle of Man and Channel Islands)
* one document from Group 2a
* three further documents from Group 2a or 2b

The combination of documents presented must confirm the applicant’s name and date of birth.

If the applicant can’t provide these documents, they may need to be fingerprinted.

**Document lists**

You should not accept the foreign equivalent of an identity document if that document is listed as ‘(UK)’ on the list of valid identity documents.

**Group 1: Primary identity documents**

| **Document** | **Notes** |
| --- | --- |
| Passport | Any current and valid passport. A UK passport can be expired up to a maximum of 6 months. |
| e-Visa | Accessed via the ‘View and Prove’ service. The share code requested by the applicant should be an ‘immigration status’ share code. If you do not have a UKVI account to access your eVisa you can create you can create one online ([Get access to your online immigration status (eVisa) - GOV.UK](https://www.gov.uk/get-access-evisa)) |
| Biometric residence permit (BRP) | UK. A BRP showing Indefinite Leave to Remain, Indefinite Leave to Enter or No Time Limit can be used up to 18 months past the expiry date of the BRP. BRP holders should be encouraged to create an account and access their eVisa |
| Application Registration Card (ARC) | Issued by the Home Office. Must be checked against the [Home Office Employer Checking Service](https://www.gov.uk/employee-immigration-employment-status). |
| Current driving licence photocard - (full or provisional) | Current and valid photocard driving licence issued by UK, Isle of Man, and Channel Islands. From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA |
| Birth certificate - issued within 12 months of birth | UK, Isle of Man, and Channel Islands - including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces. Must be original birth certificate. Certified copies are a group 2a document. |
| Adoption certificate | UK and Channel Islands |

**Group 2a: Trusted government documents**

| **Document** | **Notes** |
| --- | --- |
| Current driving licence photocard - (full or provisional) | Current and valid. All countries outside the UK (excluding Isle of Man and Channel Islands) |
| Current driving licence (full or provisional) - paper version (if issued before March 2000) | Current and valid. UK, Isle of Man, and Channel Islands. For a paper licence to be valid it must be issued before March 2000 and all information, including name and address, must be up to date |
| Birth certificate - issued more than 12 months after time of birth | UK, Isle of Man, and Channel Islands. |
| Marriage/civil partnership certificate | UK and Channel Islands |
| Immigration document, visa, or work permit | Issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non-UK country in which the role is based |
| HM Forces ID card or HM Armed Forces Veteran card | UK |
| Firearms licence | UK, Isle of Man, and Channel Islands |

**Group 2b: Financial and social history documents**

| **Documents** | **Notes** | **Issue date and validity** |
| --- | --- | --- |
| Mortgage statement | UK | Issued in last 12 months |
| Bank or building society statement | UK and Channel Islands. A print off of a bank statement that is endorsed with a stamp and signed by the bank is acceptable if you cannot have hard copy bank statements posted to you. | Issued in last 3 months |
| Bank or building society statement | Countries outside the UK | Issued in last 3 months - branch must be in the country where the applicant lives and works |
| Bank or building society account opening confirmation letter | UK | Issued in last 3 months |
| Credit card statement | UK | Issued in last 3 months |
| Financial statement, for example pension or endowment | UK | Issued in last 12 months |
| P45 or P60 statement | UK and Channel Islands. Original only. Cannot be online document or printed from online account/PDF | Issued in last 12 months |
| Council Tax statement | UK and Channel Islands | Issued in last 12 months |
| Letter of sponsorship from future UK employment provider | Valid only for applicants residing outside of the UK at time of application | Must still be valid |
| Utility bill | UK - not mobile telephone bill. Cannot be printed from an online account | Issued in last 3 months |
| Benefit statement, for example Child Benefit, State Pension | UK | Issued in last 12 months |
| Central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, the Employment Service, Local Authority | UK and Channel Islands – a letter confirming entitlement to benefits. For example: Personal Independence Payment (PIP), free school meals, universal credit, asylum support etc | Issued in last 12 months |
| HMRC self-assessment letters or tax demand letter | UK | Issued in last 12 months |
| European Health Insurance Card (EHIC) or Global Health Insurance Card (GHIC) | UK. | Must still be valid |
| EEA National ID card |   | Must still be valid |
| Irish Passport Card | Cannot be used with an Irish passport | Must still be valid |
| Cards carrying the PASS accreditation logo | UK, Isle of Man, and Channel Islands. Digital PASS cards are acceptable where they have been issued by an approved digital PASS provider and the QR code has been used to confirm details. | Must still be valid |
| Letter from head teacher, college principal, apprenticeship provider | UK - for 16 to 19 year olds in full time education or on an apprenticeship - only used in exceptional circumstances if other documents cannot be provided | Issued in the last month |

**What if the applicant’s identity cannot be established using one of the three routes?**

If you or your ID checker cannot establish an applicant’s identity in accordance with DBS ID guidelines, then you should mark W59 on the application form with a NO.

Applicants who are unable to provide the required documents will then be asked to give their consent to have their fingerprints taken in line with the current procedure. Employers should note this will require attendance by the applicant at a police station at an appointed time and may add delay to the overall application process.

This process does not validate identity, it simply confirms whether the individuals’ fingerprints are held on the central record.

# APPENDIX C – Overseas Applicants DBS Checks

**Checking via DBS**

DBS cannot access criminal records held overseas, but it is possible to submit an application while the applicant is overseas.

In a small number of cases, overseas criminal records are held on the Police National Computer (PNC) and these would be revealed as part of a criminal record check. You must still verify the identity of an overseas applicant.

As the DBS cannot access criminal records held overseas, a criminal record check may not provide a complete picture of an individual’s criminal record.

For more information please see the following Home Office guidance: [Criminal records checks for overseas applicants](https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants) (link)

**Checking via embassies**

If you are recruiting people from overseas and wish to check their overseas criminal record, you should contact the embassy or High Commission of the country in question.

[Contact details for embassies and High Commissions in the UK can be found on the Foreign & Commonwealth Office (FCO) website](http://www.fco.gov.uk/en/travel-and-living-abroad/foreign-embassies-in-uk/) (link).

You can also contact the FCO Response Centre on 020 7008 1500.

If the foreign check needs translating, the embassy of the country concerned may be able to help.

The DBS is not involved in the processing of applications made by individuals to overseas authorities and will not be responsible for the contents or the length of time taken for information to be returned.

**Certificates of good conduct**

You should try to obtain a certificate of good conduct, and any other references, from potential overseas employees. The standard of foreign police checks varies. For more information about a specific standard, you should contact the authorities in a particular country, or their embassy.

The DBS does not offer a translation service, so either you (or the employee) should obtain a certified translation of the certificate of good conduct.