DBS Checks and Employee References Policy

Policy Created: April 2023

Last Reviewed: February 2026

Next Review: February 2027 (or sooner if significant changes in legislation, guidance, or organisational activities occur)

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Responsible Officer: CEO

Approved by: CEO

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1. Introduction and Commitment

Pathways Associates CIC is a disabled-led Community Interest Company dedicated to enabling people with learning disabilities, autistic people, and their families to live the lives they choose as equals in their local communities. The organisation is committed to safe, inclusive recruitment practices that protect everyone we work with while promoting transparency, fairness, and non-discrimination. This policy outlines the procedures for Disclosure and Barring Service (DBS) checks, right-to-work verification, and obtaining references. It ensures that we employ suitable people for roles involving regulated activities, such as Care and Treatment Reviews (CTRs) or work with people who may need additional support.

As of February 2026, this policy aligns with current DBS guidance (updated 2025), ACAS recommendations on references and offer withdrawals, the Rehabilitation of Offenders Act 1974 (as amended), and the Equality Act 2010 to avoid unfair discrimination based on spent convictions or protected characteristics. It emphasises proportionate checks, support for applicants with criminal records (for example, via Unlock charity guidance), and inclusive processes. This policy supports our Safeguarding Adults and Children Policy (safe recruitment), Equality and Diversity Policy (fair treatment), Corporate Responsibility Policy (ethical hiring), and Staff Training Policy (recruitment awareness).

The policy reflects our values of being led by lived experience (involving Experts by Experience in policy reviews), partnership (collaborating with DBS services and applicants), inclusion and respect (accessible, non-stigmatising processes), innovation (using digital DBS applications), and integrity (transparent decision-making). We commit to handling information confidentially, explaining requirements and decisions openly, and only withdrawing offers as a last resort.

2. Scope

This policy applies to all recruitment, including for employees, associates, contractors, volunteers, and Experts by Experience in roles with access to people who may need additional support. It covers DBS checks, right-to-work verification, references, and withdrawal processes. It does not cover ongoing staff monitoring (refer to the Safeguarding Policy for update checks).

3. Key Objectives

The organisation aims to verify eligibility and suitability through robust, fair checks. It seeks to ensure safe working environments while avoiding unfair barriers for applicants with criminal records. Compliance with DBS, immigration, and employment laws is ensured, with transparent communication throughout recruitment. Inclusive practices support diverse applicants, and learning from processes improves equity.

4. Core Principles

Checks are proportionate to role responsibilities, with DBS only for eligible positions. Fairness avoids discrimination against those with spent convictions (per the Rehabilitation of Offenders Act). Transparency means explaining requirements upfront and decisions clearly. Accessibility provides support (for example, easy-read forms or advocates). Confidentiality safeguards applicant data (links to the Information Governance Policy). Rehabilitation is promoted by considering the context and relevance of offences.

5. Roles and Responsibilities

The CEO holds overall accountability for compliance. The HR/Recruitment Lead (or the CEO in a small team) manages checks, verifies documents, and advises on decisions. Line managers review references and flag concerns. All involved in recruitment complete training on fair practices. Applicants provide accurate information and consent to checks. The Board reviews the policy and any withdrawals annually.

6. Procedures

6.1 DBS Checks DBS checks are required for roles involving regulated activity with adults or children who may need additional support (for example, CTR facilitators). Levels are determined by DBS eligibility: Enhanced with barred list for direct support roles; Standard or Basic for others. Applicants self-disclose unspent convictions at the application stage; DBS is requested post-conditional offer. Costs are covered by the organisation; portable subscriptions are encouraged for updates. Positive disclosures are risk-assessed confidentially, considering relevance, age, and rehabilitation. Refusals or unsuitable disclosures may lead to withdrawal (see Section 6.4). Checks are renewed every three years or via the Update Service.

6.2 Right to Work Verification All offers are conditional on proving the right to work in the UK, per Home Office guidance. Original documents are

checked in person or via certified online service before the start date. Copies are retained securely for two years post-employment. Non-compliance leads to withdrawal.

6.3 References At least two references are required post-offer, including from the most recent employer. References cover suitability, performance, and any concerns. Poor references are discussed with the applicant for response. Decisions balance reference information with other evidence, avoiding bias.

6.4 Withdrawal of Offers Withdrawals are considered carefully and explained fully (in writing and verbally if needed). Reasons may include unsatisfactory DBS, false information, or failed right-to-work. Per ACAS, applicants are given the opportunity to respond. All withdrawals are documented and reported to the Board.

7. Training, Awareness, and Support

Annual recruitment training covers DBS processes, fair assessment, and anti-discrimination (accessible formats). Guidance is provided to applicants on disclosures. Support includes signposting to Unlock for criminal record advice.

8. Monitoring, Review, and Continuous Improvement

The policy is reviewed annually or on legislative changes (for example, DBS updates). Monitoring occurs via recruitment audits and feedback. Learning is co-produced with Experts by Experience. Feedback is welcomed, and annual summaries are included in the CIC report.

9. Conclusion

Pathways Associates CIC is committed to safe, fair recruitment that builds a diverse, capable team. By conducting proportionate checks transparently, we create inclusive environments aligned with our disabled-led values.