

# Background Checks Policy

## Youth Start Limited

Company Number: 16864238

Registered Office: 370 Osmaston Park Road, Derby, DE24 8FB

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## Effective Date

1 January 2026

## Next Review Date

1 January 2027

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## Introduction and Purpose

Youth Start Limited is committed to safeguarding young people and ensuring the safety of all individuals who interact with our organisation. This Background Checks Policy sets out our procedures for conducting background checks on candidates before they are placed with employers, and on staff members, volunteers, and contractors before they start work.

Background checks are an essential part of our recruitment process. They help us to identify individuals who may pose a risk to young people or other vulnerable individuals, and they demonstrate our commitment to safeguarding and creating a safe environment.

This policy applies to all candidates who apply for placements through Youth Start Limited, all staff members, volunteers, and contractors employed or engaged by Youth Start, and all individuals who have access to young people or sensitive information.

As a social enterprise focused on supporting young people aged 18-24, many of whom may be vulnerable or at risk, we take safeguarding seriously. We conduct thorough background checks to ensure that candidates and staff members are suitable to work with young people.

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## Scope

This Background Checks Policy applies to:

- All candidates aged 18-24 who apply for warehouse placements through Youth Start Limited
- All staff members employed by Youth Start Limited
- All volunteers engaged by Youth Start Limited
- All contractors and third parties who have access to young people or sensitive information
- All individuals who work in roles that involve contact with young people or access to sensitive information

This policy does not apply to:

- Employers who engage candidates through Youth Start (although Youth Start supervises employer compliance with background check requirements)
  - Individuals who do not have contact with young people or access to sensitive information
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## Legal Framework

Background checks are required under the following legislation:

### **Rehabilitation of Offenders Act 1974:**

This Act regulates the disclosure of criminal convictions and allows individuals to have certain convictions treated as spent after a specified period. However, some roles are exempt from this Act and require disclosure of all convictions, including spent convictions.

### **Disclosure and Barring Service (DBS) Checks:**

The DBS is a non-departmental public body that provides criminal record checks and manages the barred lists. DBS checks are required for individuals who work with children or vulnerable adults.

### **Safeguarding Vulnerable Groups Act 2006:**

This Act established the framework for safeguarding vulnerable groups and the barred lists maintained by the DBS.

### **Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR):**

These Acts regulate the processing of personal data, including criminal record data. Background check information must be processed in accordance with data protection law.

### **Equality Act 2010:**

Background checks must be conducted fairly and without discrimination on the basis of protected characteristics.

### **Children Act 1989 and Children Act 2004:**

These Acts establish the framework for safeguarding children and young people.

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## Youth Start's Approach to Background Checks

Youth Start conducts background checks to:

### **Protect Young People:**

We conduct background checks to identify individuals who may pose a risk to young people and to ensure that candidates and staff members are suitable to work with young people.

### **Comply with Safeguarding Law:**

We comply with safeguarding legislation and best practice guidance to ensure that we are taking appropriate steps to protect young people.





### **Demonstrate Due Diligence:**

We conduct thorough background checks to demonstrate that we have taken reasonable steps to verify the suitability of candidates and staff members.

### **Support Employers:**

We provide background check information to employers to help them make informed decisions about candidates and to support them in meeting their own safeguarding responsibilities.

### **Supervise Employer Compliance:**

We supervise employers' compliance with background check requirements and provide guidance on best practice.

### **Important Note:**

While Youth Start conducts background checks and supervises employer compliance, employers have their own legal responsibilities to conduct background checks and to make employment decisions based on the information provided. Youth Start does not make employment decisions on behalf of employers.

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## **Types of Background Checks**

Youth Start conducts the following types of background checks:

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

#### **Standard DBS Check:**

A Standard DBS Check discloses all convictions on record, including spent convictions (subject to the Rehabilitation of Offenders Act 1974). Standard checks are suitable for individuals who work with children or vulnerable adults in certain roles.

#### **Enhanced DBS Check:**

An Enhanced DBS Check discloses all convictions on record, including spent convictions, and also includes information held by local police forces. Enhanced checks are required for individuals who work regularly with children or vulnerable adults.

#### **Enhanced DBS Check with Barred List Check:**

An Enhanced DBS Check with Barred List Check includes all information from an Enhanced DBS Check and also checks whether the individual is on the DBS barred lists (the children's barred list or the adults' barred list). This is the highest level of DBS check and is required for individuals who work in regulated activities with children or vulnerable adults.

#### **When DBS Checks Are Required:**

DBS checks are required for: - All staff members who work for Youth Start - All volunteers who have contact with young people - All contractors who have access to young people or sensitive information - Candidates who are placed in roles that involve contact with young people or access to sensitive information (at employer discretion, but recommended)

#### **Level of DBS Check:**

The level of DBS check required depends on the role and the level of contact with young people. Youth Start will advise candidates and employers on the appropriate level of DBS check required.

## Criminal Record Checks

### **Police Checks:**

We may conduct police checks to identify any criminal records held by local police forces that may not be disclosed on a standard DBS check.

### **International Checks:**

For candidates who have lived or worked abroad, we may conduct background checks in the relevant countries to identify any criminal records or other relevant information.

## Employment History Verification

### **Previous Employer References:**

We contact previous employers to verify employment history and to obtain references. We ask previous employers about the candidate's performance, conduct, and suitability for the role.

### **Gaps in Employment:**

We ask candidates to explain any gaps in their employment history. We may conduct additional checks if gaps are unexplained or raise concerns.

### **Reasons for Leaving Previous Employment:**

We ask candidates about the reasons for leaving previous employment. We may conduct additional checks if a candidate has been dismissed or has left employment under difficult circumstances.

## Education and Qualification Verification

### **Educational Qualifications:**

We verify that candidates have the educational qualifications they claim to have. We contact educational institutions to confirm that qualifications have been awarded.

### **Professional Qualifications:**

For roles that require professional qualifications (such as coaching qualifications), we verify that candidates hold the relevant qualifications and that qualifications are current and valid.

## Identity Verification

### **Identity Documents:**

We verify candidates' identity by checking identity documents (such as passports, driving licences, or birth certificates). We check that documents are genuine and have not been tampered with.

### **Address Verification:**

We verify candidates' current address by checking utility bills, council tax documents, or other official documents.

## Sanctions and Regulatory Checks

### **Sanctions Lists:**

We check whether candidates or staff members appear on sanctions lists maintained by the UK government or international organisations.



## **Regulatory Checks:**

For roles that require professional registration or regulatory approval, we verify that candidates are registered with the relevant regulatory body and that they are in good standing.

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## **Background Check Procedures**

Youth Start conducts background checks using the following procedures:

### **Step 1: Obtain Consent**

#### **Informed Consent:**

Before conducting any background checks, we obtain written consent from the candidate or staff member. We explain what background checks will be conducted, why they are necessary, how the information will be used, and how long it will be retained.

#### **Consent Form:**

We use a standardised consent form that clearly sets out the background checks that will be conducted and the candidate's rights under data protection law.

#### **Right to Withdraw Consent:**

Candidates have the right to withdraw consent at any time, although this may affect their eligibility for placement or employment.

### **Step 2: Conduct Background Checks**

#### **DBS Checks:**

We apply for DBS checks through the DBS online application system. We provide the DBS with the candidate's personal information and consent form. The DBS processes the application and provides the results to us.

#### **Employment History Verification:**

We contact previous employers to verify employment history and to obtain references. We use a standardised reference request form that asks specific questions about the candidate's performance, conduct, and suitability for the role.

#### **Education and Qualification Verification:**

We contact educational institutions and professional bodies to verify that candidates hold the qualifications they claim to have.

#### **Identity Verification:**

We check identity documents in the presence of the candidate (in person or via video call) and verify that documents are genuine.

#### **Address Verification:**

We check utility bills or other official documents to verify the candidate's current address.

## Step 3: Review Results

### **Review DBS Results:**

We review DBS results carefully to identify any convictions or other information that may be relevant to the candidate's suitability for the role. We consider the nature of any convictions, when they occurred, and whether they are relevant to the role.

### **Review References:**

We review references from previous employers and consider any concerns raised about the candidate's conduct or performance.

### **Review Verification Results:**

We review the results of employment history, education, and identity verification and identify any discrepancies or concerns.

### **Assess Suitability:**

We assess whether the candidate is suitable for the role based on all the information gathered through background checks. We consider:

- The nature and seriousness of any criminal convictions
- How long ago any convictions occurred
- Whether convictions are relevant to the role
- The candidate's conduct and performance in previous employment
- Any concerns raised by previous employers or other sources
- The candidate's explanation for any issues identified

## Step 4: Make a Decision

### **Suitable Candidates:**

If we assess that the candidate is suitable for the role, we provide written confirmation to the candidate and to the employer. We may place conditions on the candidate's placement or employment (such as a probationary period or additional supervision).

### **Unsuitable Candidates:**

If we assess that the candidate is not suitable for the role, we inform the candidate in writing and explain the reasons for this decision. We provide the candidate with an opportunity to respond to any concerns and to provide additional information.

### **Borderline Cases:**

In borderline cases, we may seek additional information or advice before making a final decision. We may ask the candidate for further explanation or conduct additional checks.

## Step 5: Record and Store Information

### **Record Keeping:**

We maintain detailed records of all background checks conducted, including:

- Consent forms
- DBS results
- References from previous employers
- Verification results
- Our assessment of suitability
- Our decision and the reasons for the decision

### **Secure Storage:**

We store background check information securely in our CRM system (ZohoCRM) and on a password-protected USB backup drive. Access to background check information is restricted to authorised staff members only.





## **Retention:**

We retain background check information for 2 years after the candidate's placement or employment ends, in accordance with data protection law and best practice guidance. After this period, information is securely deleted.

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## **Disclosure of Criminal Convictions**

### **Candidates with Criminal Convictions**

#### **Right to Disclosure:**

Candidates have the right to know what information we hold about them and how we will use this information. We provide candidates with copies of any background check results that relate to them.

#### **Right to Respond:**

Candidates have the right to respond to any information disclosed through background checks. If a candidate disputes information, we investigate the dispute and correct any inaccurate information.

#### **Right to Appeal:**

Candidates have the right to appeal a decision that they are not suitable for a role based on background check information. We consider appeals carefully and may reconsider our decision if new information is provided.

### **Disclosure to Employers**

#### **Information Provided to Employers:**

We provide employers with background check information that is relevant to the candidate's suitability for the role. We do not disclose information that is not relevant to the role or that would be disproportionate to disclose.

#### **Confidentiality:**

We treat background check information confidentially and only disclose it to employers on a need-to-know basis. We require employers to treat background check information confidentially and not to disclose it to third parties.

#### **Data Protection Compliance:**

We ensure that disclosure of background check information complies with data protection law. We only disclose information that is necessary and proportionate, and we ensure that candidates are aware that information will be disclosed to employers.

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# Rehabilitation of Offenders

## Spent Convictions

### Rehabilitation Period:

Under the Rehabilitation of Offenders Act 1974, certain convictions become spent after a specified period. Once a conviction is spent, individuals are not required to disclose it in most circumstances.

### Exceptions:

Some roles are exempt from the Rehabilitation of Offenders Act 1974 and require disclosure of all convictions, including spent convictions. These roles typically involve working with children or vulnerable adults.

### Youth Start's Approach:

Youth Start requires disclosure of all convictions, including spent convictions, for candidates and staff members who work with young people. We explain this requirement clearly to candidates and staff members.

## Assessing Relevance

### Relevance to Role:

We assess whether any convictions disclosed are relevant to the candidate's suitability for the role. We consider: - The nature of the conviction - When the conviction occurred - Whether the conviction is relevant to the role - Whether the candidate has demonstrated rehabilitation

### Proportionality:

We ensure that our assessment of relevance is proportionate and fair. We do not automatically exclude candidates with convictions, but we assess each case individually.

### Candidate Explanation:

We give candidates the opportunity to explain any convictions and to provide information about their rehabilitation and current conduct.

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## Safeguarding Concerns

### Identifying Safeguarding Concerns

#### Red Flags:

We identify red flags in background check information that may indicate safeguarding concerns, including: - Convictions for violence, sexual offences, or offences against children - Convictions for dishonesty or theft - Convictions for drug-related offences - Dismissal from previous employment due to safeguarding concerns - Unexplained gaps in employment - References that raise concerns about conduct or suitability

#### Further Investigation:

If red flags are identified, we conduct further investigation to understand the circumstances and to assess the risk.



## Responding to Safeguarding Concerns

### **Unsuitable for Role:**

If background checks identify serious safeguarding concerns, we assess that the candidate is unsuitable for the role and do not proceed with placement or employment.

### **Conditional Placement:**

In some cases, we may assess that a candidate can be placed or employed subject to conditions (such as enhanced supervision, additional training, or a probationary period).

### **Referral to Safeguarding:**

If background checks identify concerns that suggest a candidate may pose a risk to young people, we may refer the matter to safeguarding authorities or to the DBS.

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## Employer Responsibilities

While Youth Start conducts background checks and supervises employer compliance, employers have their own legal responsibilities.

### **Conduct Own Checks:**

Employers must conduct their own background checks on candidates before they start work, to comply with safeguarding law. Employers cannot rely solely on Youth Start's background checks.

### **Make Own Assessment:**

Employers must make their own assessment of candidates' suitability based on background check information. Employers are responsible for employment decisions.

### **Maintain Own Records:**

Employers must maintain their own records of background checks conducted and retain these records in accordance with data protection law.

### **Comply with Safeguarding Law:**

Employers must comply with all safeguarding legislation and must ensure that they have appropriate safeguarding policies and procedures in place.

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## Youth Start's Support to Employers

Youth Start provides the following support to employers:

### **Guidance:**

We provide guidance on conducting background checks, including what checks to conduct, how to interpret results, and how to make fair decisions.

### **Training:**

We provide training to employers on safeguarding and background check procedures.



## **Background Check Information:**

We provide employers with background check information about candidates to help them make informed employment decisions.

## **Compliance Monitoring:**

We monitor employer compliance with background check requirements and provide advice where employers need additional support.

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## **Data Protection and Confidentiality**

### **Data Protection Compliance**

#### **Legal Basis:**

We process background check information on the basis that it is necessary for safeguarding purposes and for compliance with legal obligations. We have a legitimate interest in processing background check information to protect young people.

#### **Consent:**

We obtain written consent from candidates before conducting background checks. Consent is a condition of placement or employment.

#### **Transparency:**

We provide candidates with clear information about what background checks will be conducted, why they are necessary, and how the information will be used.

#### **Data Subject Rights:**

Candidates have the right to access background check information held about them, to request correction of inaccurate information, and to object to processing in certain circumstances.

### **Confidentiality**

#### **Restricted Access:**

Access to background check information is restricted to authorised staff members only. Staff members are required to treat background check information confidentially.

#### **Confidentiality Agreements:**

All staff members, volunteers, and contractors are required to sign confidentiality agreements that require them to treat background check information confidentially.

#### **Secure Storage:**

Background check information is stored securely and is protected against unauthorised access, loss, or damage.

#### **Secure Disposal:**

Background check information is securely deleted after the retention period has expired.

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## Discrimination and Fairness

### Non-Discriminatory Approach

#### **Equal Treatment:**

We conduct background checks fairly and consistently. We do not discriminate on the basis of protected characteristics (such as age, race, religion, disability, or sexual orientation).

#### **Objective Criteria:**

We assess candidates' suitability based on objective criteria that are directly related to the role and to safeguarding concerns. We do not make decisions based on protected characteristics.

#### **Proportionality:**

We ensure that our assessment of candidates' suitability is proportionate and fair. We do not automatically exclude candidates based on background check information, but we assess each case individually.

### Addressing Bias

#### **Unconscious Bias:**

We are aware of the risk of unconscious bias in interpreting background check information and assessing candidates' suitability. We provide training to staff members on unconscious bias and encourage staff members to reflect on their own biases.

#### **Diverse Decision-Making:**

Where possible, background check decisions are made by diverse teams to reduce the risk of bias.

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## Responsibilities

#### **Data Protection Lead:**

Nick Calin ([contact@youthstart.co.uk](mailto:contact@youthstart.co.uk), 07470435603) is responsible for overseeing background checks, ensuring compliance with this policy and data protection law, conducting background checks, making decisions about candidates' suitability, maintaining records, and providing guidance to employers.

#### **Recruitment Staff:**

Recruitment staff are responsible for obtaining consent from candidates, applying for DBS checks, contacting previous employers for references, verifying qualifications and identity, recording information, and notifying the Data Protection Lead of any concerns.

#### **Employers:**

Employers are responsible for conducting their own background checks, making their own assessment of candidates' suitability, maintaining their own records, and complying with safeguarding law.

#### **Candidates:**

Candidates are responsible for providing accurate information, consenting to background checks, responding to any concerns identified, and notifying Youth Start if their circumstances change.

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## Related Policies

This Background Checks Policy should be read in conjunction with the following policies:

- Right to Work Policy
  - Equal Opportunities Policy
  - Candidate Selection Policy
  - Employment Contract Policy
  - Safeguarding Policy
  - Data Security Policy
  - Privacy Policy
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## Changes to This Policy

We may update this Background Checks Policy from time to time to reflect changes in safeguarding law, DBS procedures, or our practices. We will notify relevant staff members and candidates of material changes and provide updated guidance as necessary.

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## Relevant Legislation

This Background Checks Policy is based on the following legislation:

- Rehabilitation of Offenders Act 1974
  - Safeguarding Vulnerable Groups Act 2006
  - Data Protection Act 2018
  - UK General Data Protection Regulation (UK GDPR)
  - Equality Act 2010
  - Children Act 1989
  - Children Act 2004
  - Disclosure and Barring Service Guidance
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## Contact Information

If you have questions about background checks or this policy, please contact:

**Data Protection Lead:**

Nick Calin

Email: [contact@youthstart.co.uk](mailto:contact@youthstart.co.uk)

Telephone: 07470435603

**Youth Start Limited**

Registered Office: 370 Osmaston Park Road, Derby, DE24 8FB

**Disclosure and Barring Service:**

Website: [www.gov.uk/disclosure-barring-service-check](http://www.gov.uk/disclosure-barring-service-check)

Helpline: 0300 020 0190